THE RISE AND FALL OF PROHIBITION

CHARLES
HANSON
TOWNE

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CHARLES HANSON TOWNE

A POPULAR study of the status and effects of prohibition, humorous in tone, couched in satire, and illustrated with cartoons in the very spirit of the author's treatment.

ILLUSTRATED BY
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I have seen hulking men enter a shop at nine in the morning, hastily tear off an ice-cream soda containing I know not what flavoring, and dash out again into the world of business. No habitual drunkard could show a worse record. The soda-fiend is a sensualist, knowing nothing of the healthy ecstasy of comradeship. He is a solitary drinker of the worst sort.

THE RISE AND FALL OF PROHIBITION

THE HUMAN SIDE OF WHAT THE EIGHTEENTH AMENDMENT AND THE VOLSTEAD ACT HAVE DONE TO THE UNITED STATES

BY
CHARLES HANSON TOWNE

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TO MY FRIEND

JOHN M. DENISON

AUTHOR'S NOTE

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THE RISE AND FALL OF PROHIBITION

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CHAPTER I

THE PHENOMENON OF PROHIBITION

THE strange phenomenon of Prohibition, after an appearance amongst us of over three years, is still non-understandable to the majority of a great, and so-called free, people. It is one of the most astonishing manifestations the world has ever witnessed. It came upon us like a phantom, swiftly; like a thief in the night, taking us by surprise. Yet the Prohibitionists will tell you that no one should be amazed, since for years—for almost a century—quiet forces have been at work to bring about this very thing.

Most of us can remember how, not so many years ago, when we wished to throw away our vote, we cast it for the Prohibition ticket. Some unknown "crank" was running for office on a dry platform. "What a joke," we said, "to give him the weight of our affirmation, to enlarge his pitiful handful of white ballots! It will be a good way to get even with the arrogant Mr. So-and-So."

And into the box we laughingly dropped the bit of paper which might cause a mention to be made of the crank in the next morning's news columns. Delightful, insincere flattery, which could not possibly do any harm. How well, how thoroughly, how consistently we gave it, never dreaming that the solemn hour would strike when our gesture would no longer be a joke.

The morning came when the headlines in our newspapers proclaimed the fact that State after State was following the road of Kansas, Washington, Maine and Oregon, to mention only a few States which for some time had elected to make laws that were almost blue. Local option—yes, we had heard of it in the effete East. There were districts, we knew, which chose the path of so-called virtue; and they were welcome to their sanctimoniousness. In our hearts we rather approved of them for the stand which they had taken—particularly when we learned, on an occasional visit, that it was mighty easy to give a dinner-party with plenty of liquid refreshment. All one had to do, it seemed, was to lift the telephone receiver in Bangor, and ask that Boston send over a supply of whatever one desired. There were no restrictions against the transportation of liquor over the State line, though it was impossible to purchase wines and spirits in the holy community itself.

Our national insincerity began right there. The hiding of the ostrich's head in the sands—that is

what it amounted to; and we all smiled and laughed, and went on having a perfectly good time, and we told one another, if we discussed the matter at all, that of course the worst could never, never occur. What rot even to think of it; what idiocy to take seriously a state of affairs so nebulous and remote. It was like predicting a world war—which eventually came about; it was like dreaming of the inconvenience of a personal income tax—which also came about; it was like imagining that man would be so uncivilized as to break all international law—which, only a few years later, he did. Who foresaw the use of poisonous gas in the most frightful conflict of history? Who had vision enough to tell us that noncombatants would be killed, as they were in Belgium, though treaties had been signed which forbade such wanton cruelty? Who could foretell the bombing of cities far beyond the firing line? Yet these atrocities occurred with singular regularity once the world entered upon that stupendous struggle which began in August, 1914. We came to take such happenings for granted. We grew accustomed to terror, as one grows used to pain; and all that we had built and dreamed went crashing to dust and ashes.

Prohibition, I venture to say, was the last thing in the world the American people expected to have come upon them. Though temperance advocates were thick through the country, the brilliant barrooms held their own; and we came to look upon

them as an essential part of the pageant of life, especially in cosmopolitan cities, with Salvation Army lassies entering them to pass the tambourine. Men in their cups gave generously; and I often wonder if the revenue of pious organizations has not seriously diminished, now that there are no haunts of vice for holy workers to penetrate. Surely they must miss this casual liberality—the coin or the bill cast with a grand and forgotten gesture into the extended hand.

But do not imagine I am holding a brief for the corner saloon. The sins of an enforced Prohibition are many, as I shall seek to prove; but the passing of the common drinking-place cannot be deprecated. No sane, thinking citizen wishes to see a return of promiscuous debauchery. A glimpse now of the London "pubs" in the poorer districts of the English capital is enough to convince any American that he should thank his stars—if not his three-stars—that one phase of our social consciousness has vanished forever. If we could have sensibly rid ourselves of these rum-hells, without punishing a vast multitude of us who knew how to drink wisely, much good would have been accomplished. But, American-like, we had to go the whole gamut; we had to make ourselves ridiculous before the rest of the world, in order to bring about a check upon the gross appetites of a scattered few.

There is no doubt in my mind that there will be a reaction. The pendulum has swung too far, as

any observer must admit. The present conditions throughout the country are so disgraceful that something must be done to remedy them. Our personal habits became a matter for federal investigation; our daily conduct is now given to the scrutiny of the authorities—to our everlasting discredit. We are a nation of self-appointed law-breakers, rejoicing alike in our secret and open wrong-doing. We are the laughing-stock of Europe; we are the jest of Canada and Mexico, our neighbors, and decent Americans feel that a stigma has been put upon them. We stammer explanations to visiting foreigners, who, confused and confounded, ask us what it all means; we are confused ourselves at the muddle our Government is making of the whole wretched business; and yet, being Americans who tolerate all kinds of injustices, we meekly submit, the while we complain, and are too lazy, most of us, to lift up our voices, to utter one word publicly in derision of this monstrous foolishness.

What is to happen to us? Are we to become a race of machines, supinely submitting to autocratic mandates? We have always allowed ruffians to rule us in our civic politics; and though once in a while we bitterly cry out, the ruffians, knowing our weaknesses only too well, pay no attention. We are like the worm that turns; but who cares, since no change is evident when the worm shows its other side?

One of the great troubles with America is that

only in rare instances will the finer type of young manhood enter politics. We leave the high business of running the Government to men of inferior caliber, whereas in a land like England, a political career is a distinction, as much to be chosen and sought as the Church. Until we come to a realization of the peril that confronts us through our spirit of *laissez-faire* we shall deserve, as Plato says, exactly the kind of Government we get.

With all our recognized national gusto and verve, there can be no denial of the tragic fact that we are mentally indolent when a political cause is in the balance. I have known men of worth in the professions and in the world of business to neglect the polls on Election Day in order to indulge in a game of golf; yet these are the first to cry out when the low-brow politicians triumph. We permit our jury-boxes to be filled by incompetent German-American grocers and butchers, clerks with little imagination, played-out failures and cab drivers and chauffeurs who are morons. Even the women, who were so anxious for equal suffrage, find, in many cases, that civic duties are a burden, and avoid their obvious responsibilities. We let George do everything which we find in the least unpleasant.

Well, there is a price for such lethargy. It is terrifying to read over the names of the judges and magistrates on the American Bench, and see how many are of foreign origin. Listen to the roll-call in any court-room. The Poppelfingers and Morinos

and Sauerkrautzers predominate. Where are our first American families? It might be well to ask, indeed, where they will be in another generation or two.

You and I walk along the streets and see a man suddenly stricken. A crowd quickly gathers about his pitiful form, stares into his countenance. A policeman calls an ambulance. A gong rings, and he is carried off to a hospital. You and I go our way, with perhaps a momentary tug at our heart. But it never occurs to us that the man in the street might have been ourselves. Such things happen to others—no, they could never, never happen to us. The lightning may strike a neighbor's house or barn —but not our own. Death or disaster may come to the other fellow—never to us.

"It never can happen" might be our national slogan. Thus has a stupid Pollyanna optimism penetrated our civic thought, our political consciousness, our spiritual being; and the false doctrine is screamed from every housetop from Manhattan to Gopher Prairie. Pretty little poems, printed in neat frames, greet us wherever we turn. They urge us to cheer up, that it is not raining rain, but only flowers, and that God's in His heaven and all's right with the world—forgetting that Browning, when he penned his immortal line, referred to a particular morning for a particular man of vision, and by no means intended to be quoted out of his context, as a basis for the silly "gladness" of hoards of people who

think they think. Our music-halls are crammed with comedians who sing, in loud voices, something about what's the use of worrying, it never was worth while, and bidding us smile, smile, smile. And we clap and giggle and stamp our easy-going feet, and go out into the night, and are shoved and pushed into an over-crowded subway train, and still fondly cherish the delusion that we should keep on smiling, though a brutal train-guard's boot is jammed into our reluctant back, so that we may become one more sardine in the steel box he is so expert in packing.

It would all be very amusing were it not so serious. Sinclair Lewis, who is becoming the best photographer this country ever produced, has not given us a false picture of our towns and cities. He tells the brutal truth, bravely. But we read him, smile, and say that of course it's all very well, and such localities may exist, but they are not those in which we dwell. And all the while, about us, are the very folk his deft pen has drawn. *Babbitt*—what a stupid old fool he is, and we may have seen him in smoking-compartments; but we never will admit that he is our next-door neighbor.

The day may come when we will have to admit that he is our very self. We have the superiority complex. Which of course is nothing but a confession that we are inferior. And in allowing restriction after restriction to be put upon us, how, in the name of common sense and in the words of the man in the street, do we get that way? We are the

most governed people in the world today. There are plenty of laws, but little order; and the millennium that the Prohibitionists promised with the adoption of the Eighteenth Amendment is farther away than ever.

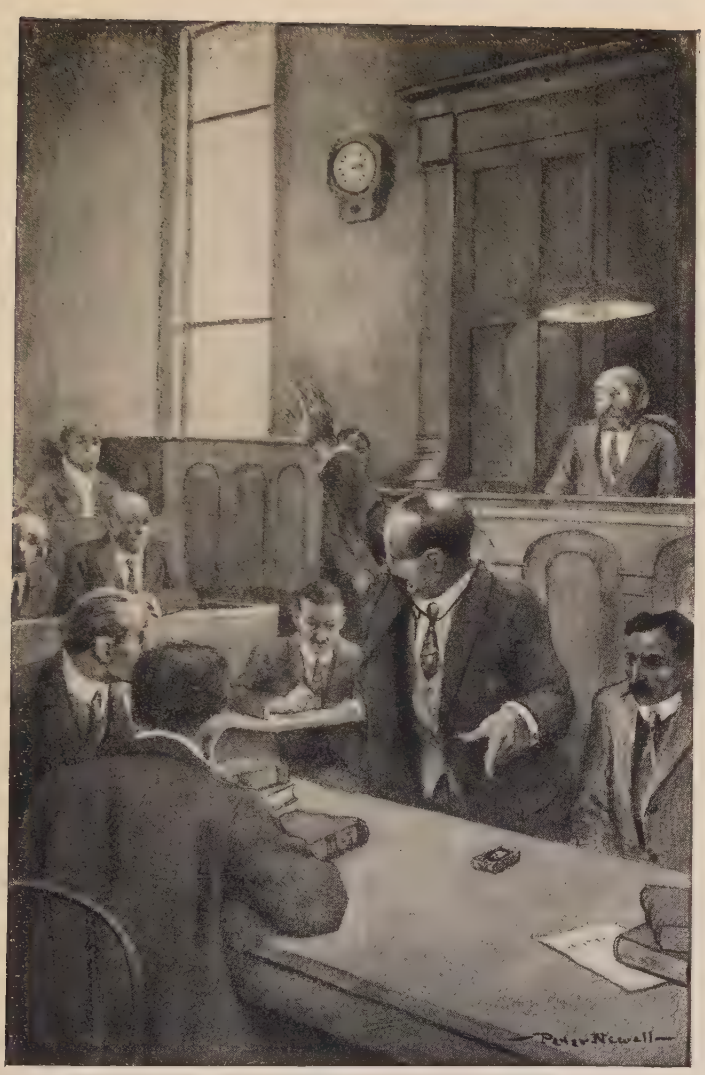
Let us wake up, and face conditions as they are. Let us not try to delude ourselves into a state of false happiness, when, at heart, we are the most unhappy nation now breathing the celebrated air. It is high time we did some solemn thinking. The writing is on the wall. It is our business to read the words inscribed there in letters of fire.

CHAPTER II

OUR GREAT UNHAPPINESS

ARE the American people any worse than other people, that they should be put *en masse* upon the water-wagon? Who is it that sits in judgment over them? What unseen Kaiser, Czar, autocrat passes sentence upon their morals? We fought a War to get rid of such leaders and rulers; and now, ironically enough, we find ourselves under the domination of far stronger task-masters.

I have recently been traveling through a great portion of this great country. Everywhere I found a curious unhappiness. People may not be articulate about their sorrows, just as the poor may not speak of their poverty; yet the canker is there, the worm i' the bud is eating away the heart of the flower. Perhaps I should use the word discontent rather than unhappiness. Or restlessness. Or resentment. At any rate, the feeling, whatever it is, exists; and there is a new menace over our days. The placid reformers, resting between reforms, smack their lips in sadistic glee. In the face of repeated and open violations of the law, they give out interviews to the effect that all is moving serenely; that the people are under beautiful control—though they have to admit



At the trial, the package in evidence was placed on a large green-covered table, in the presence of the jury and the court. The prosecuting attorney worked himself into a fine fury of eloquence. The majesty of the law must be upheld.

that they squirm once in a while. Here again it is a case of stupid optimism. They *want* all to be well, and they fondly imagine that all *is* well. They will have a great awakening; for this smoldering discontent and anger is bound to rise in a great tide one of these days.

Listen to a lady reformer in Chicago, speaking after a church league meeting, in September, 1922. Evidently she is out of touch with the world, secure in the sanctity of a liquorless home. She has never attended a real dinner-party, poor dear; and somehow my heart goes out to her.

"The law is being enforced, and the results are more than satisfactory. The brewers are skulking opponents. What are they doing now?" she inquired blandly of her audience. "Some are making candies, some soft drinks, some other things; but they are all making money, and are happy. Prohibition is a wonderful thing, and I am proud to be a citizen of the country that has adopted it."

How sweet and cheerful! But as she spoke, I wonder if she knew that almost around the corner real beer and whiskey were easily procurable. That as she uttered her oracular words, men with hip-flasks passed the door behind which she was speaking, on their way to joyful occasions.

The law was never less effectively enforced, dear lady. You are living in a world of dreams and fancies. You should get about more, and meet the flappers and *jeunesse dorée,* who could tell you and

show you a thing or two. Your rhapsodies are all very well; but your smug delight in conditions has a note of pathos to one who has observed the country as it is, and not as you would have it. Alas! you are but deluding yourself, and my heart goes out to you in your simplicity.

Is the law being upheld when, at a dinner-party at a certain country club, two policemen in uniform were sent by the local authorities to "guard the place" while much liquor was poured? These minions of the sacred law were openly served with highballs, and they laughed at the Constitution of the United States. I saw them and heard them myself. They came to get drunk—and certainly succeeded. Everyone at that party deplored the company's behavior, was loud in denunciation of Prohibition and what has come in its wake; yet went on eating and drinking and dancing with the casual remark that it was of no consequence whether or not they broke the law, since everyone was doing it.

Is there any veneration for the law of the land when advocates of the Eighteenth Amendment, men who sponsored it publicly, in private deride it, and, at the mention of Mr. Volstead, sneer and jeer, and purchase cocktails in New York restaurants at a dollar apiece, gulping them down openly?

I asked such an advocate—a politician who would like to be called a statesman—why it was that, if he believed in the Volstead Act, he continued to consume his daily quota of Scotch. I don't believe any-

body had ever ventured to put such a frank question to him. His wife, on my left, blanched—she, by the way, never touches a drop; but her exalted husband is fond of the cup that cheers—and inebriates. He has held high office, and has been loud in his advocacy of Prohibition—for the other fellow. He glared at me when I rashly put my question to him, lifted his glass high and cried out, intending to be witty (I thought him merely disgraceful, and drunk, as usual), "I drink as much and as often as I can, in order to lessen the supply!" And then he had the effrontery to add: "Of course I mean to see to it that the law is upheld, when liquor cases come up before me."

Yet I had read a statement of his in the newspapers when he was running for office, declaring that wine was a mocker, and that whosoever was deceived thereby was not wise. Oh, yes, he could quote Scripture with a vengeance, this minion of the law. My lady friend in Chicago, seeing him on the street, would count him as among the holy band who have put their O. K. upon Volstead, Anderson, et al. Yet behind closed doors he is a Mr. Hyde who takes a fiendish pleasure in his dual nature. I like him not. The lady in Chicago is at least consistent. Were I a W. C. T. U. worker or an Anti-Saloon member—or even a judge who tried bootleggers—I think I should strive for a similar state of holiness, and always be willing to let my left hand know what my right hand was doing.

The truth is that laws of intolerance defeat their own ends. The instant you tell people not to do something, they have an irresistible desire to do it. There cannot be laws greater than the people themselves. And that law is the most insidious and dangerous of all which discriminates between the rich and poor.

I am, by temperament and training, a Conservative; yet I confess that were I a workingman deprived of my beer, I would find it hard to remain calm, when, returning from my day's labor, I was forced to go to an arid tenement, passing the homes of those who possessed well-stocked cellars—and who replenished them at will.

Those who labor ceaselessly for the cause of Prohibition will tell you that it will not always be possible to obtain liquor; that the rich, too, will come to a state of drouth; and I have even heard some of them say that, after all, there are many things the rich have always had which the poor could not possess, and drink is but another symbol.

For such light arguments I have no use. I could only say to so profound a student of human nature and the humanities that he, along with his kind, is sowing the wind, and will reap the whirlwind. With money, we seem to be able to purchase anything we desire in this land of lost liberty. One of them is a wine-cellar. Mr. Volstead did not quite dare to make it illegal to drink in one's home. There might have been a serious exodus from the country had

such a drastic law been passed—or even seriously considered. Since Magna Charta a man's house has been his castle; and an invasion of the sacred precincts would cause unlimited chaos. Yet in certain of our States, John Doe search-warrants may now be obtained, and officials may enter one's dining-room to ascertain if drinking is going on. It is unthinkable, but it is so. But, then, there are many foolish legislative blunders made from year to year, and a placid and long-suffering people pay little attention to them. I have heard men complain of the laws in their community, who would not lift a finger to see that they were changed.

In the Far West recently, learning of a certain intolerable mandate, I could not resist asking a lawyer why his State stood for it. His only reply was that they gave it little thought—until someone from outside, like myself, came along and drew its horrors to their attention. Then, with the going of the stranger from their midst, they settled down once more to calm acquiescence; or else they openly disobeyed the law, and, when they thought of the possible consequences, roared with laughter. For no one had ever been put in prison for a violation of the statute—and of course no one ever would be. Then why have it on the books? Oh, well, what difference did it make? The women wanted it there, but of course they didn't mean it, and it was a joke anyhow, and it wasn't worth worrying over, when you came to think of it, and maybe the Legislative

body had to earn its salary, and how about a little game of golf to forget it?

I suppose we have come to be such a hodge-podge nation that we are losing sight of all the old ideals our forefathers fought for. The passage of the Eighteenth Amendment may have been the best thing that could have happened to us, since it has, in a sense, aroused us to the point of anger, whereas piffling restrictions put upon our liberty have left us cold and indifferent. But here, at last, is something big enough to cause most of us inconvenience—and the American people do dislike to be inconvenienced. We could get together on this burning subject, where we would fail to dovetail on lesser questions. Our heterogeneous citizenry is inflamed, as one man; for the German-American wants his beer, the Italian-American his red wine, the Irish-American his grog, the English-American his ale and port, the Russian-American his vodka, the Swedish-American his punch, the French-American his champagne and light wine, and so on down the line and through the maze of races that go to form our vast Republic.

Is it too late to get together? Here again we may fail to act in concert; for the foreigner within our gates, feeling the contagion of our national slothfulness in a Cause, and waiting to get his cue from us, sits back and wonders why we do not act.

And many an American waits and wonders too.

CHAPTER III

OUR ENDLESS CHAIN OF LAWS

WHEN we sit back and rail at the Eighteenth Amendment and the Volstead Act, we lose sight of other laws equally tyrannous which, however, do not happen to affect us.

Is it generally known, for instance, that in the State of Utah there is a statute which makes it a misdemeanor to purchase, sell or smoke cigarettes? One may not puff in a public place; yet one may do so in private, the law contends. The Mormon Church is opposed not only to drinking and smoking, but to coffee-drinking as well; and as the elders in that church are the big property owners in Salt Lake City, controlling the hotels and other public buildings, when I went there not long ago I wondered if I would be permitted to light a weed.

With soda-fountains gracing the lobbies of the smartest caravanseries, I had my doubts; but when I casually asked where the cigar-stand was, I was directed to a garish counter, and beneath gleaming glass cases I saw, to my amazement, all brands of cigarettes on sale. I asked how this could be.

"You don't take this law seriously?" a native said to me.

"I am getting so that I cannot take any law seriously," was my natural answer—as it undoubtedly would have been yours, dear reader. Yet you and I call ourselves perfectly decent, God-fearing American citizens, do we not?

I hadn't the slightest trouble in purchasing everything that I wanted; yet a new fear possessed me. After dinner, would it be possible to smoke in the main dining-room?

To make a long story short—it was. Everyone was doing it, just as though a law had never been heard of; and I saw Mormons consuming coffee, too. Think of it!

For almost two years now the farce has gone on. No one thinks it curious any more that the mandate is not obeyed.

They told me of a case recently tried out there. A small tobacco merchant—an Italian, if I recall correctly—was arrested for selling a package of cigarettes to a detective. (To remind people of the august legislature and to give the tax-payers another reason for being taxed, a minion of the law must go about now and then, on a fat salary, to investigate conditions.) At the trial, the package in evidence was placed on a large green-covered table, in the presence of the jury and the Court. It was all very incriminating. The prosecuting attorney worked himself into a fine fury of eloquence, denouncing the pitiful little culprit in high-faluting language that the wretch on trial could not possibly understand.

The majesty of the law must be upheld. This was terrible; it was atrocious—though nothing was said of the fact that down in the heart of the city, every hour of the day, this same law was openly violated. The judge solemnly charged the jury—and hastened out to luncheon.

But the twelve good men and true were out only a few moments. They brought in a verdict of not guilty.

"How can this be?" cried the Court, in wrath. And the counsel for the people tore his hair, metaphorically, if not literally. The detective looked blank. Then the foreman arose and said that the jury had had no evidence presented to them that cigarettes had been sold, as the package covering the alleged malignant little weeds had never been opened.

And so the money of the good citizens of Utah is being spent on such opera-bouffé trials—and they continue to stand for it.

A delightful state of affairs, my masters. Such incidents should get into the papers more frequently. For we can all stand anything but ridicule. And when the law is thus made ridiculous, it is to laugh, isn't it?

Or should one remain serious in the face of such nonsense—as of course the reformers would have us do.

Well, I am afraid they will have to pass laws against smiling before I can be brought to terms.

And even then I may break another law—and go to jail for it. Or more likely remain peacefully at home, as I do now, breaking so many that I have stopped counting them.

I fear that I break the speed laws—as do you. I am afraid that most of us do. Yet I am not conscious of good ladies of any N. S. L. S. (National Speed Law Society) giving up tea-parties that they may get out on the highways to watch us, and report us, and, if need be, arrest us themselves. Yet when you and I dine at a restaurant in a city like New York, we are apt to note a policeman in uniform standing in the doorway, his eagle eye upon us, to see that we do not take flasks from our pockets. I wonder what would happen if, under the very nose of this representative of law and order, one should pour from a bottle some harmless iced-tea. Alas! I fear that the law is not to be trifled with in that way. The dignity of our jurisprudence must not be disturbed. One might be hauled up and arraigned for disorderly conduct, or for some such trumped-up charge.

But it *is* a pretty picture, isn't it, to see perfectly good tax-payers watched and spied upon while they eat their meals? Ye gods! and in a supposedly free country! How our ancestors must turn in their graves—they who wrote something, didn't they, about "life, liberty, and the pursuit of happiness"?

Who shall define that last phrase today? I won-

der what it means—what anything means—in these topsy-turvy times.

Not long ago, in solemn conclave in an eastern city, a holy body of men and women aroused the whole country to its first volume of fury by suggesting that gatling-guns be used to enforce obedience to the Prohibition law. In their fanatical zeal, they were seriously for murdering a number of us, and they saw no humor in their announcement. What were a few lives, if the LAW was upheld?—a law, by the way, which millions of thinking people do not believe should ever have been put upon our statutes. No more shameful resolution was ever made at a public meeting; yet I would not have been surprised had it been passed, to such a state of imbecility have we come. Why stop where we are? Let the digging in go on; let the teeth of the law sink into our flesh until we groan in agony. Let the busybodies and the cranks become as thick as flies and locusts in time of pestilence. Let them gather in battalions around us, sting us, flay us, torture us—until at last the vestige of manhood which is left in us may cause us to turn upon them.

I fear that the law which makes it illegal for a minor to be admitted to a theater or a motion-picture palace is broken every day in every city of our broad and beneficent land. Yet I do not find pickets from Children's Societies, standing about to see that the letter of the law is obeyed. We pretend to be deeply interested in the welfare of the coming gen-

eration—so interested, in fact, that the present generation is forced to give up its harmless toddy, that the children of tomorrow may be robust supermen and superwomen.

The fact is that, to the fanatic, no law is sacred except the Eighteenth Amendment.

The Fifteenth? Oh; why talk of it? The South knows its problems, and can cope with them. Besides . . . well . . . Ahem! . . . That's another matter, and has no bearing upon the issue at hand.

Why hasn't it? Yet if you ask ten people in the street what the Fifteenth Amendment is the chances are that only one will be able to tell you.

If the negro was enfranchised, he was enfranchised, and should be permitted to vote. That is the law of the land. It is part of our glorious Constitution.

But do you hear anyone raising a row over the fact that no one pays any attention to it in certain parts of the South? Few zealots work for the rights of negro voters—none, I should say. It matters little to us that they are denied that privilege which belongs to every citizen here, whether he is black or white, or what his previous condition of servitude.

Why should we respect one Amendment to the Constitution, and be allowed to hold in contempt another?

Truly, the logic of the fanatic is hard to follow. If one of them reads these words, he will merely smile and pass on, and do nothing at all about it.

For just now he is fearfully concerned over Mr. Volstead and the carrying out of his policies. One thing at a time, please.

His interest may keep him busy for so many years to come that he will have the excuse of no free moment to study the Fifteenth Amendment. But all the Amendments should be enforced, or wiped off the books.

Riding in a train once through the sanctified State of Kansas, where long they have refused to let you and me buy a cigarette, I asked for a package in the dining-car.

"Can't let you have 'em," was the answer of the steward. "We're on Kansas soil."

"Then why don't you inform passengers before we cross the State line, in order that they may stock up?" I inquired—humanly enough, I thought.

"They should look out for themselves," was his rather unkind reply.

I thought a moment. I did want a smoke, and I was determined to have one, despite all the laws in Christendom. I told my feelings to the steward. He saw that I was in earnest. In fact, he came to see the justice of my suggestion that passengers, unaccustomed at that time to so many restrictions (this happened in the halcyon, prehistoric days before Prohibition) should be given some hint of the approach of the State line.

He came over and whispered in my ear, first looking about him—as we are all doing nowadays,

the while we laugh at Russia and Prussia: "Say, if you'll drop a quarter on the floor, I'll pick it up; and there'll be a package of cigarettes under your napkin in a minute."

Thus was another holy law disobeyed.

And it is done every day, O proud fanatics, who think you are cleaning us up. And it always will be done. For poor old frail human nature is just what it is; and spiritual reformation can never come, as you would have it, from without, in. We must all work out our own destinies, from within, out. Somehow we like the little battles with our souls. They add a piquancy to life. They give a spice and zest to the level days. Our appetites are our own affairs. The moderate drinker is not a drunkard; and to place restrictions upon him, in order to cure the ne'er-do-well is as unjust as it would be to put the petit larceny prisoner in the death chair along with the murderer.

Gertrude Atherton, who is wise and broad-minded, once wrote an article against Prohibition, which began with these sharp, incisive sentences:

"I am a woman. I never drink. But I am against Prohibition."

My own sentiments, exactly.

Temperance—yes; but never absolute restrictions. And if we continue to place them upon the people, we shall have nothing but broken, shattered laws all down the line; and finally something else will be broken and shattered.

I mean the dream of this great Republic. I mean the illusion which all of us had that we were not to live under despots. I mean the hope of a race which believed in democracy, and finds itself suddenly in the grasp and under the domination of bitter tyrants, who seek to chain us, and imprison not only our bodies, but our very souls.

CHAPTER IV

TOO MUCH "VERBOTEN"

ONE hears a great deal about the way the Volstead Act and the Eighteenth Amendment were "put over" on the American people. It is true, as I have said, that the legislation came upon us suddenly; but everything was done in a perfectly legal and orderly manner. The people did not realize how far the Anti-Saloon League, and kindred organizations, had gone in their work. Also, deny it as they will, the advocates of Prohibition used the War as an excuse, as a cloak for their propaganda. It was perfectly right for the Secretary of War and the Secretary of the Navy to forbid the sale of liquor to our men in uniform after we got into the conflict. We were at War; and it would have been as foolish for our boys to get drunk as it would be for an actor to go on the stage intoxicated. Moreover, in the heroic glamour of those now happily vanished days, it was so easy for soldiers and sailors to be "entertained" by any and everyone. Better, then, to clamp the lid on tightly. It was a time for efficiency; and no one is so foolish as to contend that the consumption of whiskey in large doses makes for a hardier race.

One believes, with St. Paul, in "moderation in all things." Youth, in a period of stress, needs direction, just as children do. Having arrived at an age of reason, man should be permitted to go his own way. But just as we needed discipline in the ranks—physical discipline—we needed spiritual discipline in wartime. There can be no real argument about this, I think.

But even here we failed, partly. Liquor *was* sold to men in uniform. And men in uniform wanted it, and found many ways to obtain it. The forbidden apple is always the sweetest; and the more we restrict and preach and restrain, the more eager certain natures will always be to achieve the very thing we decry and withhold.

The war, of course, was responsible for many upheavals. We could not enter such a fiery conflict without feeling its bitter after effects, any more than one can drink immoderately and not feel ill the next morning. That we fought to make a weary world safe for democracy is now nothing but a joke—a Gilbert and Sullivan joke worthy of a deathless lyric. Indeed, a short time ago, had a librettist put into a comic opera some of the happenings between 1914 and 1918—only some of them, mind you—his book would have been hissed off the stage.

There are some things that are true to life, but not true to fiction. For instance, think of the irony of our boys being sent across the seas to shoot guns at the Prussians and begging them to free themselves

from an autocratic Kaiser, and, during their necessary absence, being deprived of a glass of beer when they came back home.

It would be the most laughable farce comedy were it not the deepest tragedy. I can conceive of a brilliant first act, wherein some doughboys, parched and thirsty, arrive in a German village and for the first time in their lives taste real Münchner beer—the beer of their enemy—learn to like it, decently enough, get the recipe, and decide to take back to their home town the one good and harmless thing the enemy country gave them. Then, as a climax, they arrive, wounded and depressed, a tatterdemalion battalion, glad that the filthy war is over and done, and ready now to drop back into calm, blissful citizenship, with their young wives and families.

But no, say a delegation of legislators on the pier (a charming comic chorus this!), with palms extended upright,

"You are all wrong, bo,
And you really ought to know,
That we've rearranged the show,
And it's bone-dry you will go,
And though honors we bestow,
Now, alas! no beer will flow!
For we've put one over on you—
Pro-hi-*bi*-tion!"
(Curtain, amid general consternation.)

Now, if a libretto with this plot development had been offered to a Broadway manager six years ago,

it would have been turned down at once as impossible. I can see the first reader's report:

"A great deal of whimsical imagination is shown by the author; but the American people are very sensible, and even Barrie and Gilbert could not be allowed to take such liberties with life as it is. Isn't it too bad that writers do not know the public better? What a pity it is that they cannot evolve plots that will be a revelation of life as it is, not as it might be in a mad, whirligig world of fancy? This is not good, even as satire, for the situation could not exist, even in a realm of dreams."

But see what has happened! This plot would have proved a prophecy and made several fortunes for the author and the manager.

"What!" I hear some character saying in the course of the first act, just before the curtain descends, "do you mean to say that the boys who fought for this democracy stuff had no voice in the passing of the law that made it a crime to sip a glass of good beer?" And the answer would be, "Of course not! How behind the times you are! America is a free country, you know. The people who dwell in it boast of their superiority of intellect, and rejoice in their form of self-government—though they abrogate their votes to a pack of politicians who are—well, to put it bluntly, dishonest. For they drink themselves, while they bow to lobbyists who don't believe in drink—for the other fellow. America, my good sir, is the land of the spree no longer; it is the home of the grave." (Business of laughter.

Solemn music is heard, and the entire chorus of legislators pass with stately steps to the Capitol, dressed in heavy mourning.)

But nothing is being done about anything. The American people, whipped into obedience, as Prussians were never whipped, take their medicine (from which all but one-half of one per cent of alcohol has been extracted—and why this modicum should be permitted to remain is only another joker in the whole stupid business) and obey the law.

Only, they don't. They go out and break it to bits, as I have shown; and our legislators wonder why they have so many bad children on their hands, and isn't it a strange world, and why is it that folks won't be good and do as they are told, and what are laws for, anyhow, and this disrespect of the law is awful and must be punished, and someone has got to go to jail, and why is Bolshevism growing when we are all so happy?

Ah! there is the answer in one word! We are not happy—every one is decidedly, unequivocally, wretchedly, miserably, gloomily, stonily, fearfully, terribly unhappy!

And why? Because one has to fight so hard for his fun nowadays. A lot of laws have been passed, and more are threatened, which blast one's hopes of the simplest kind of good times. These laws are based on a complete misunderstanding of poor old human nature, which needs, every now and then, say what you will, an escape from the dreariness, the

tedium of life. The harmless diversions which in childhood take the form of playing ball and cricket and tennis experience a metamorphosis as we grow older—a perfectly natural metamorphosis; and we crave just a tinge of excitement after the harsh, unyielding day's work. Most Americans work hard—there is no doubt of that. Except for a Cause. But, seriously, American business is a strenuous, glorious thing—a delightful game, if you will; but it is also a serious note in the scale of our national consciousness.

We need relaxation after eight or nine hours at a desk; and the lights of a great city are the lure that lead us forth—not to get drunk, God knows, but to get just that fillip the weary body and brain need when an honest day's work is done.

The people who don't understand this, and who are trying to rule and run America, are in a class with those who fail to understand the psychology of Coney Island, or any other simple pleasure resort; who are unable to distinguish between a happy sobriety and filthy gutter intoxication; who never heard Stevenson's line about Shelley, "God, give me the young man with brains enough to make a fool of himself."

How a glass of light wine or beer is going to hurt a fellow is more than I, for the life of me, can see; and if he takes his wife along, as he usually does, or wishes to do, there is precious little danger that one will ever fall over the terrible precipice of intoxica-

tion and go down into the bottomless pit of complete disaster.

One might say to the reformers that for the most part our ancestors imbibed a bit; and here we are, thank you, and doing very nicely.

There has never been a particle of evidence presented to prove that teetotalers live longer than moderate drinkers; indeed, one doubts if they live as long. And it is well known that those races which refuse absolutely to drink do not produce anything of importance in the way of art; and surely they contribute nothing to the cause of science. Take the Mohammedans. Name one great artist among them, if you can, known to you and me.

Had Americans been a race of drunkards, I could understand this sudden drastic legislation against booze. But we were far from that. Drink was beautifully taking care of itself. It was *infra dig* to consume too much; and the young business man who made it a practice to indulge in even one glass of beer at luncheon, lost caste with his employer—yes, and with his fellow workers. He soon discovered the error of his ways, and no longer found it expedient to feel sleepy in the afternoon, when others were alert and thoroughly alive. It was only honest to give to the concern for which he worked the flower of his brain and heart; and so he passed up the casual glass, with little if any reluctance, and joined that great army of temperate men—and women. He did not wish to be left behind in the

race for glory; and where he had taken, without a qualm, four cocktails before a dinner-party, now he took only one, and sometimes left a drop or two of that in the glass.

I can recall the time, not so many years ago, when everyone drank like a glutton. Country clubs were but excuses for dissipation, locker-rooms were nothing but bars, with waiters running in and out with trays of refreshing drinks. (Alas! they are worse than that now, thanks to our reformers!) But this brief era passed—through the common sense of the people themselves. We did not require legislation to cause us to see whither we were drifting. Out of our own consciousness we knew—all but a few congenital drunkards—that "that way madness lies." And so we quit, of our own volition, this heavy and stupid drinking. The "society fellow," worthless from the beginning, was cut out; the man of sterling qualities and action took his place. The "lounge lizard" became a deservedly abhorrent creature, unfit for the companionship of decent men. We came, as I see it—and I have observed American life in many spheres—to a sense of our own foolishness.

Big Business didn't want the toper. Big Business scorned the young clerk who followed the gay lights along the gay White Way—the fool who sat up all night, taking chorus-girls to lobster palaces. With that alertness for which the American is famed, our young men realized that, to succeed in the realm of business, they would have to turn over a new leaf.

And they did it. I ask the reformers to deny this if they can. There has been no menace from drink in this country for many and many a year. We never drank as the English laboring man drinks—or even as the Germans consume beer. We were, as the whole world is aware, a race of moderate drinkers—omitting always those few and necessary exceptions which only serve to prove the rule.

Yet, as a nation, we were indicted, held up to ridicule and scorn. We were told that we could not control our appetites, and so our benevolent Government would control them for us. And this in the face of the fact that we *had* learned to control them.

I can likewise recall the time, not so long ago, when crowds of children would follow some forlorn drunkard being hauled to the station-house. Even though the corner-saloon continued to flourish long after you and I grew up, how many years is it, I ask anyone, since we have seen this sorry spectacle? And as for seeing a man lying prone in the gutter—that seems a prehistoric incident to me. Yet such incidents ceased long before national Prohibition became an outrageous fact.

Taking care of ourselves, still we had to be taken care of! Ah! in our frenzy to become too pure, let us remember the dangers of benevolent autocracies. The State has one definite function, the Church another. The mingling of Church and State—is not that one of the pitfalls we have long sought to avoid? If the former looks after our souls, the latter should

be satisfied to see to our bodies—and that would be duty enough.

Let us do a little figuring.

There are, approximately, 110,000,000 people in the United States of America. Of these, let us say that 40,000,000 are men and 40,000,000 women. Of minors there are perhaps 30,000,000 more. Among the last named there would be very little drinking. I imagine that of the male population, a considerable number do not imbibe at all. I would rather err, giving the opposition the benefit of the doubt; and so I will say that 20,000,000 males drink in moderation, and that 10,000,000 females do the same. This gives us, out of a total population of 110,000,000, only 30,000,000 people who care anything at all about liquor. Of that number, how many, do you think, are what might be called immoderate drinkers? Five million? That, it seems to me, would be a fair estimate—more than fair. But let us be generous to a fault.

Of that five million, how many are congenital drunkards? A million? Perhaps; though I doubt that even that number have sunk so low. But let us say that two million have done so.

Then it has become necessary to deprive 30,000,000 people of a simple form of pleasure because 2,000,000 do not know how to manage their souls and bodies. It would be equally ridiculous to put an end to connubial bliss because there are a few libertines in the world.

I remember, as a boy, an unjust teacher who kept the whole class in because one pupil whispered—and she could not discover the culprit. I never could understand her perverted sense of justice. We were guilty along with the disloyal little rascal who had violated a rule. We must suffer because he would not declare himself.

But drunkards cannot conceal their wickedness. We know them. We spot them. They are obvious in any community. "The town drunkard" was as well known as the town pump. It has always been on our statutes that intoxication in public constituted a misdemeanor. The penalty for a misdemeanor is arrest, trial, and, if found guilty, imprisonment or the payment of a fine.

Few would get drunk if they knew they would be arrested. We had that law; we failed to enforce it. Hence the present inelastic laws—heaps of them—which only complicate matters, and make public morals no better than they were before.

No better? Worse. For drunkenness is rampant in the land, as it never has been. Prohibition does everything but prohibit. The very thing it sets out to do it fails to do. That is as self-evident as the misery in crowded tenement districts in great cities. There is no denying it. People who never drank before, drink now—in enormous numbers.

Why is this? Because it is perfectly human to wish to do what one is told not to do. You know the story of the woman who, just before leaving the

house, said solemnly to her children, "Now, my dears, while I am gone do not play with the matches." When she came back the house was on fire.

All the emphasis having been placed on *not* drinking, people are thinking of nothing *but* drinking. Public bars have been transferred to public coat-rooms, and we have the spectacle of numerous "souses" before a banquet, premature roisterers who become so tight that they can hardly get through a course dinner. It is disgraceful, but I fear it will never stop. For impositions breed contempt for all law and order.

Passive content finally breeds active rebellion. Our lawmakers should have the wit, the vision, the common sense to realize that. For a whole nation to be forced to be moral by statute and mandate is so ridiculous that it must make the gods laugh—particularly the goddess Hebe when she brings in the flowing bowl. She must almost spill the contents of her famous cup which she has been carrying these many cycles.

There is always a reaction against enforced goodness—against enforced anything. But no sour-visaged sarsaparilla drinker ever realizes that. He puts over his "reform" and imagines that all is well. He cannot hear the shuffling of feet, the movement of armies in the dim distance. If he does, he mistakes it for applause.

The fact that Americans were taking care of them-

selves, so far as the drink question was concerned, makes the sudden appearance of the fanatics all the more non-understandable. They came upon us with gusto. They are pathological—any doctor will tell you that. And the American people, who believe, I am told, in life, liberty and the pursuit of happiness, permit themselves to be governed by a pack of pathological cases who, themselves, should be in wards, if not in padded cells.

And they are not content with this initial victory. As the Irishman put it, "If this is Prohibition, why didn't we have it long ago?" And a visiting Englishman exclaimed, looking our country over, "Prohibition?—When does it start?"

They are going after our tobacco, our golf and motoring on the Sabbath; and they are going to dip into our cellars and rob us of that which we used to keep there, oh, so seldom, but now have in great and wise abundance.

It never occurred to any of us in the old, halcyon days when one could loll on the back platform of a horse-car or trolley with the glorious multitude, and smoke there, to keep a supply of liquor in our homes. If we were giving a dinner, and wished to oil the social wheels just a bit to start the machine going, we may have sent to the corner and bought a bottle of gin and a little vermouth, and perhaps a quart of simple California claret, and let it go at that. No one disgraced himself. It was all very quiet and serene and sane and nice. We hurt no one; we did

ourselves no injury (any physician will tell you that; he needs whiskey in his practice, if he is the right kind of physician), and a pleasant time was had by all, as the country newspapers say.

But from that undramatic drinking what, because of Mr. Longface, have we leaped to? To the hip-flask, the sly treating in coat-rooms—and other places I need hardly mention—long before dinner begins, so that one may be sure of a sensation which no decent man should care to experience.

A nervous tension is in the air, putting us all back twenty years. I assure the reader that never once in my life did I carry a flask of brandy, even when I was going on a long and dusty and tedious journey; yet my dear mother was as certain that I should take one as that I should wear rubbers when it rained; and I let her believe I did both, for the sake of her peace of mind.

Was my mother a criminal, for her quiet advice? Not then; but she would be considered so now, with Mr. Volstead's act on the records of my beloved land. Actually, I am a criminal if I take a sip outside my home—in my club, in my travels. If I transport a little of that whimsical stuff of which poets have sung so beautifully and often, I can be dragged to jail—if I am caught. Boo! What a mockery of personal freedom it all is!

I heard a fine citizen say not long ago—a man of wealth and position, a publicist, a man of affairs (I am using the word in its proper sense!), a man who

loved, very definitely, the great America that used to be—that for the first time in his life he had the despicable thought that he would like to withhold something, if he could, on his income tax. He felt little compunction for the base thought. Why should he hand his hard-earned money over to a Government which deprived him of so much of his personal liberty and held over his head the dire threat of further deprivations?

What was this man getting out of America? he asked me. Just a dull time, to be truthful. He was but one more waffle from the great national waffle-iron. When he wanted diversion he must pack up and fare to other lands, where living is still living, crave a passport, swear that he had paid last year's tax, produce a receipt he had never received, and promise to pay this year's, and either not stay away too long or see to it that his lawyer attended to it for him.

Everyone is ticketed, docketed, labeled, put in a card-index. This tabulation of citizens—how we smiled at it when the Prussians carried it to the extremes they did! Poor creatures, we said of them, to stand for such arrant nonsense.

A jolly state of affairs! It makes one feel so loving toward one's Government, doesn't it? We are all children, and Uncle Sam is no longer a symbolical old figure, but an avuncular autocrat who goes about, nosing everywhere, almost invading the sanctity of our homes (ah! he may do it yet!) in

his senseless quest for this and that. But just as Santa Claus could never get down every chimney in the world, one feels certain that Uncle Sam cannot pry into every wine-cellar, and examine, if he had all eternity, every tiny bank balance. Moreover, my friend will not cheat on his income tax. He, at least, is decent.

Let us not delude ourselves that we are living in a democracy any longer. Laws were passed from time to time in the history of our great country, without the people's vote; but they were laws that served our best interests and did not interfere with our personal liberty. When our rights as citizens were molested, we got up on our hind legs and yelled. "What is this?" we naturally inquired. "Why, it is what has always been done," came the answer from the bar of injustice. And that was literally true. Only we didn't know it. "You can't break the Constitution," was a further argument. "Once a Federal Amendment, always a Federal Amendment, you know."

And why, pray? If the good old iron Constitution cannot be tampered with, it is high time that it was. If our forefathers who framed it meant it to be an utterly inelastic document, they didn't count on the elastic minds of the American people. "New occasions teach new duties, time makes ancient good uncouth," said the wise James Russell Lowell once; and nothing is more certain than the fact that the moment has come when the people should be

heard, and not a handful of legislators, who rushed madly to lay in a stock of wine and spirits when they saw which way the wind was blowing their straws.

It grieved me, as a good American, to hear an Englishman say the other evening before a lot of my fellow-countrymen that his idea of a complete life would be to spend nine months of the year in England as a British *citizen* and three months in the United States as an American *subject*. There was much mirth; but somehow I could not laugh and I hope these Constitutional Amendments, coming so thick and fast, are not causing me to lose my sense of humor.

It was a statement in which so much of truth was compressed that I shuddered; and I thought of all the forms of *verboten* that have lately been foisted upon us. I recalled how, ten years ago, a friend of mine had returned from Germany and told me, laughingly, how the poor subjects of the Kaiser were eternally forbidden to do this and that. It was *verboten, verboten, verboten* everywhere the eye turned—in the parks, in restaurants, in the galleries, in the theaters—everywhere. Always some petty restriction, some tyrannical interference with the masses. And he said then how contrary to the broad American spirit was this constant stress on "Thou shalt not." We both smiled over it, and pitied the much-ruled and controlled Germans. "What a glorious land we live in," we said, in unison,

lifting our glasses, "and how proud we are of our freedom."

But could we honestly say that now? Do not let us be hypocrites. Before foreigners, we bravely and loyally uphold our form of Government, because one does not like to cleanse his soiled linen in public or reveal a family quarrel; but deep down in our hearts—I hear it discussed everywhere I go—is a feeling of apprehension; and the everlasting question is being asked, "Whither are we, as a people, being led?"

If the political machinery is being clogged with too many foolish and unnecessary laws that are merely jokers and venemous restrictions, why do we not speak out in meeting, call together groups of citizens, as we are privileged to do under the Constitution (unless another Amendment has been added since this was written), and protest against this extravagant misuse of power?

The reason England has always been such a comfortable country to live in is because of the spirit of constructive criticism that has filtered through the nation. If a Londoner does not like the service on the tram roads, he writes to the *Times* about it, and the matter is adjusted. He has the backing of all his neighbors—and ten to one they have written, too. But how many Americans, insulted in the subway or by some public servant, will sit down and write a letter of complaint?

We stand meekly like droves of cattle behind

tapes in motion-picture "palaces," pressed by eager little ushers endowed with a momentary authority, until released and permitted to fumble our way down dark aisles to such seats as we can find. We allow grand head-waiters to hold us in check when we enter a smart restaurant, not indeed behind tape, but behind a silken cord—which does not mitigate the insult, however; and we humbly beg them to see if they can get us a table—and some of us slip them a greenback to gain their august favor.

We allow ticket speculators to buy up all the best places in our theaters, adding what profit they demand, and say nothing—though there is a statute forbidding such extortion. "Ah, we're here for a good time, and we don't care what it costs us," is the answer of the average visitor to the metropolis when he is asked why he does not protest against such unjust measures. I have known only one rich man to refuse rooms at a fine hotel, simply because he felt it wrong to pay seventeen dollars a day, no matter what his bank balance. It is people like that who help the rest of us to a return to normal conditions. He thinks of someone but himself.

Yet we talk of Prohibition as though we were manfully trying to save the next generation from the perils of drink! We are doing nothing of the sort. We are merely bowing our craven heads to a mandate because we have neither the courage nor the energy to speak loudly against a stupid law foisted

upon us by an organized minority. Our altruistic purpose is not apparent, for it never existed.

"Ah, but," someone whispers, "the majority want this and that; so we must give in to them."

Even so, why should we give in to them? The majority of people prefer flashy, meaningless movies and Pollyanna and Harold Bell Wright and chewing-gum and cheap jewelry and Gopher Prairie and slapstick humor and loud laughter and a crowded beach on Sunday, and hideous neckties and shirts and summer furs, and a hundred and one other things entirely foreign to my desires; why, then, should I walk in their path, jump over the hurdles that the multitude puts in front of me?

Arnold Bennett once said that the classics were kept alive, not by the man in the street, but by the passionate few. He was dead right. In the words of your beloved majority, he said a mouthful. Now, because my neighbor and my neighbor's neighbor have a weakness for the best-sellers (not the best cellars), and find a robust pleasure in never thinking of anything beyond baseball, I do not see why I should be forced to indulge in a stupid Pollyanna optimism and forget and neglect my Keats and Shakespeare.

CHAPTER V

MAKING THE WORLD SAFE FOR DE-MOCKERY-CY

WHAT psychological effect will this constant contempt for the law of the land have upon us as a people? Surely something dire and dreadful is seeping into the national spirit, and we are in grave danger of coming to a human dislike of all laws, in consequence.

We talk of Prohibition as a good thing for the generations to come; but how about disregard for the law as it will affect our children and our children's children? Drunk, they might not be responsible; sober, to their higher selves they are accountable for their shortcomings in regard to our statutes. A lack of veneration for an orderly carrying out of a mandate is a serious thing. But to hear the young people talking these days about the sanctity of the Eighteenth Amendment is not a heartening experience. They jeer at it, and openly roar with laughter when it is mentioned.

No one wishes danger to overwhelm us; but it will, unless something is done to remedy the present abhorrent conditions, which, I repeat, are making most of us unhappy. We are entangled in too many legal nets; and it is not pleasing and edifying to see

an ex-Judge or jurist who came out strong for Prohibition sitting night after night in a certain restaurant, imbibing his cocktail, creating scandal in a more than crowded room. He is not in his cups these days—only in his demi-tasses. I wonder if he knows what an example he sets to the flappers down the room, and with what derision his high-and-mighty public utterances are now greeted whenever he opens his mouth to speak between drinks?

I hear men and women saying all the time, "America is no place to live now. The streets of our large cities at night look like villages in some remote district. Dull, dull, and drab, drab. One more tyrannical law, one shadow of that deep blue which imperils us, and we will go and live abroad—anywhere but here."

Is that pleasant talk to listen to? Does it make one proud to be an American? It is not well to have such feelings fomenting in the hearts of those who honestly and sincerely love their native land—love it so much that during a terrible war they were proud to offer to die for it, or allow their sons to die for it.

But this is not the time to desert the old Ship of State. Now, as never before, the United States needs its best blood, its best workers, its best citizens, to put the country back where it belongs.

It is because I love America so, that I do not wish to see her make a complete fool of herself—as she is doing every day now. And I say it as loudly

as I can, that these pernicious laws, this spirit of *verboten,* is only making the world safe for Demockery-cy.

It was Montaigne who said that he was "of the opinion that it would be better for us to have no laws at all than to have them in so prodigious numbers as we have." And that was how long ago? What would he write and think of America if he could live among us today?

And further he said, knowing human nature as few of us know it: "There is no man so good, who, were he to submit all his thoughts and actions to the laws, would not deserve hanging ten times in his life."

Yet the silly law-makers go on with their silly codes, piling Pelion on the top of Ossa, till all sight of man's frailty is lost. "A little folly is desirable in him that will not be guilty of stupidity."

Yet the letter of the law must be upheld, and the very men who make our statutes continue to break them.

The joke may go too far. The American people may remember that "eternal vigilance is the price of liberty" and be willing to watch and wait, lest that most precious of all things be taken away from them.

There can be no disputing the fact that a law that is not enforced is worse than no law at all. Law and order—that is the phrase. But America is a country of law and disorder; and the worst of

it all is that the reformers refuse to stop where they have. They are preparing to plunge us into even deeper gloom. Why should they rest, having been so eminently successful already?

We used to laugh tolerantly at the compulsory military service of the Germans, under the Kaiser; but isn't a compulsory seat upon the water-wagon just about as autocratic?

"Dry Country, 'Tis of Thee," should be our national anthem—since we are seriously looking for one to take the place of the too-difficult-to-sing "Star-Spangled Banner." But no; the words would not ring true. For there is a wetness all around us, and the lyric of a national anthem should at least seek to express the ideals and aspirations of a people, in terms of truth.

Yet before Prohibition, who would have thought of picking out America as the wettest of all countries? We were just moderately so. We had no desire to get a reputation for excessive dampness. It is the drys who have given us that reputation—against our will. And the pity of it is that the tag will remain—even after we are sanely and becomingly wet again.

The reformers wish no going back to even a semblance of the old ways and days. They wish us to conform, sedately, forgetting that Emerson once wrote, "Whoso would be a man must be a nonconformist."

And somehow I go on believing in Emerson.

There was some wild talk, not so many months ago, that it might become lawful to dispense government-approved beer from the soda-fountains; but sensible people who care for their toddy—delectable word!—were not thrilled. They no more wish beer served from soda-fountains than they wish soda-water served from soda-fountains. They want their toddy. And when they say so, firmly, "Oh, dear!" and "Oh, my!" and "This is awful!" cry the Prohibitionists.

I always somehow get back to that argument of the upholders of the Eighteenth Amendment to the effect that Prohibition is a good thing—particularly for the next generation. I feel like asking them, in absolute seriousness, Then why not look to the soda-fountain?

When I was a lad we used to drink simple little things like vanilla, strawberry and chocolate sodas —at five cents apiece. And we were happy over harmless lemon and cherry phosphates. Yet the other day when I chanced to step into a confectionery shop, I was nonplussed to hear sophisticated flappers (what tautology!) ordering raspberry nut sundaes and banana splits with chocolate sauce, and other concoctions which my bewildered brain refuses to remember. And when I saw the little silver dishes heaped with these vicious sweets, I was horrified. Gluttony, pure and simple. And what of dyspepsia, and indigestion, and complexions, after partaking for a few weeks of such stuff? Does no

one care enough for the coming race to do something about it?

I have seen hulking men enter such a shop at nine in the morning, hastily tear off an ice-cream soda, containing I know not what flavoring, and dash out again into the world of business. What must the lining of their stomachs be like? No habitual drunkard could show a worse record, I imagine. And of the two evil-doers, I would prefer the latter. At least he is human. The soda-fiend is a sensualist, knowing nothing of the healthy ecstasy of comradeship. He is a solitary drinker of the worst sort; and though he may not stagger out of the place, he is certainly unfit to begin his day's work—just as unfit as the fool who makes it a practice to take a nip of Scotch before breakfast.

Seriously, here is work for the reformers. Let them investigate the kind of mixtures that are served to our youngsters at soda-counters. One-half of one per cent of raspberry should be all that is permitted. A solemn bill should be introduced into the next legislature, and carried by an overwhelming majority. It is unthinkable that our youth should be exposed to the evils of sundaes, sold openly all along our avenues and boulevards, in every city and town and hamlet. It is madness to let this traffic go on.

And there are not even any swinging-doors to hide the sundae fiends. Shamelessly they imbibe their drinks with the world passing the unshaded

windows, looking in at them. A shocking state of affairs. Yet who is doing anything about it? No wonder little Alice, of the pale face, does not eat much luncheon. Her mother worries over her anemic condition; yet she will not take the time to investigate the child's daily habits. She never inquires how she spends her allowance. And young Bobby, who formerly was so rosy and plump, deteriorates into a consumptive-looking boy. No, he doesn't smoke; and as yet he has not acquired the hip-flask habit. What, then, is the matter with him, that he drops out of baseball and has no heart for tennis; that he is backward in his studies, and sleeps restlessly? On his way to school he stops in at the soda-fountain. And on his way home, he stops in once more. Surely the Government should issue cards, and make it a misdemeanor for a clerk to serve more than one soda a week to minors—and grown-ups. The Board of Health should do something about it.

You see, if it isn't one thing it's another in this troubled world. No sooner do we mop up the saloon than we find other places in need of mopping. Parents and social workers, here is a job for you. Get at it, at once. Forthwith. Instanter. Immediately. The future welfare of the race is at stake.

If it were only ginger-pop that the children drank! But here again one cannot control the appetites of human beings. We have closed the corner saloon. Is there no way of closing the corner soda-fountain?

It is curious, in these days when there is so much understanding, even among flappers, of psychoanalysis and complexes, that no one seems to have called attention to the fact that the prohibitionists are the greatest living examples of certain distressing inhibitions.

That the majority of us should find ourselves suddenly dictated to—told, literally, what we should and should not put into our own little private tummies—is beyond belief. What does a man who has never taken a drink know of the psychology of drink? What does he know of good-fellowship, of the poetry of the toast, of the beauties of *Brüderschaft?* I would as soon think of Dr. Mary Walker telling *Romeo* and *Juliet* how to make love.

The set lips of the fanatical reformer are the outward evidence of an interior set of corroding inhibitions. Unable to get relief from the tedium of existence in, say, a town like Gopher Prairie, the subject moves, in his or her later years, to Minneapolis or some other larger city, and is next heard of as a professional reformer of one sort or another.

I remember a young man in my class at school who was impossible as a playboy because he always wanted to rule the roost, to dictate everlastingly the manner in which any game we sought to enjoy should be played. He was never content to be just one of us. Oh, no! He must run things, order us about, be a dictator and a little czar, an autocrat of the most unbending kind. We despised him. He could

never fall into line and be boyishly human. He could not yield; he could not adjust himself to the spirit of fun which we others abandoned ourselves to with youthful ease. He was just a common scold.

He disappeared from our school-yard, and from our lives. Years later, when the War broke out, he turned up in a remote town as a shrieking radical. Nothing was right. He had worked out his destiny in the only way such a nature as his could possibly do. He wasn't a good sport. Worse, he wasn't even a good citizen. He didn't amount to a row of pins. He wasn't even worth interning. He wasn't interesting enough to get the slightest notoriety—he wasn't what the newspapers term good copy; and that broke his heart.

I have no doubt that now, with the War over, he is a professional prohibitionist—or do I mean inhibitionist?—with a soft job at some desk. He would never be happy anywhere; but in such a position, interfering with normal people's happiness, he would be as happy as he could be.

It is exactly men and women like him who have slipped over some of the laws we now have and who are planning statutes against staying away from church on Sunday. But it's an old story. The intelligent people in every community are forever allowing themselves to be duped by fortune-tellers and ouija-board manipulators, table-tippers, snake doctors and bell-tinkling "mediums."

A dog-in-the-manger spirit is in the land. "I

don't like a glass of wine—I've never tasted the nasty stuff—so I don't want you to taste it!" This is the cry of the paid reformers who eke out a living by taking up some fad, and, having nothing interesting of their own to reveal, peep and eavesdrop and reveal the interesting traits of their innocently jovial and erstwhile happy brothers.

We have enough complexities in our modern life without having the complexes of these would-be and self-constituted evangelists made public day by day. Of course, the natural human being is he who indulges in everything—in moderation. Show me the man who constantly denies himself something, and I will show you an abnormal man. He becomes obsessed with his "goodness," as he dares to call it; and he cannot talk ten minutes without mentioning his *idée fixe*. He revels in it. He gloats over it. He delights in it, just as the monks of old delighted in the hair-shirt and self-flagellation. He thinks he is better than we are. Soon he begins to preach. He is like the old woman who committed a sin in her early youth and still loves to talk about it. He does not know how boring he is. He does not know how little a part he plays in society. He is just a bit "off," a trifle queer.

The next step in this form of madness is to try to impose one's own ideas upon one's neighbors. Soon proselytizing must be done. The pent-up energy of years must be released in middle age. Steam must be let off. Blood pressure must be reduced. If

these "cases" would only lock themselves up in cells and flagellate themselves, they would find comfort and release from their agony of mind, and a weary world would be grateful. But no! they must stalk through the land, imposing their so-called moral rectitude upon the rest of us.

Good-naturedly we have, up to now, humored them, smiled tolerantly at them, secretly pitied them. But with shrewdness and cruelty they have plotted and planned for years, quietly banded together, until now they are joined in a great brotherhood; and instead of locking themselves up, they have locked us up—and maliciously, gleefully thrown away the key. We should have been their keepers. Instead, they are ours.

An occasional little spree, as a wise Frenchman once said, never hurt anybody. It is necessary for people of imagination to romp and play once in a while. What form that romping and playing takes is their own affair—so long as they do not injure their neighbors. They may express themselves in terms of smoking, of flirting, or sitting up all night and talking their heads off; or they may take a long walk in the rain; or go to the movies for several hours; or read an exciting but impossible detective story—which is by no means a waste of time; or dance; or go fishing; or attend an Elks picnic; or buy their wives a diamond bracelet; or indulge in an after-dinner speech; or see a foolish musical comedy. There are a thousand and one ways to let off steam.

They come back from any one of these "dissipations" a hundred per cent better in mind and body, and plunge into the serious business of life with a fresh stimulus, a new zest.

But the prohibitionist—what form do his inhibitions take? *His* orgy is one of complete surrender to an orgy of holding in, forever. He never lets go—never—not for one second. And just as the hermit enjoys his self-imposed solitude, he revels in his self-inflicted punishment; and, without wishing to be cynical, I say that he gets a certain drab satisfaction in this stupid disciplining of himself. The remorse of the morning-after is unknown to him. But without realizing it, every morning he experiences a mental hang-over. He has never lived through one normal day. The pendulum, for him, swings completely in the other direction; and he is happy only when he is unhappy. But—and here's where you and I come in—he is not content with this exquisite unhappiness. He wants us to be unhappy, too!

Pathological, you see. Heretofore, the temperance people looked upon all drinkers, heavy or light, as wounded souls—medical cases. But we who drink and smoke and laugh in moderation are the normal people of the world. The others are those who are in need of treatment. The tables have been turned, thanks to psycho-analysis, and Freud, and the open door that leads to the light of medical science. A bunch of sour grapes have robbed us of

our sweet grapes. Why? Because they could not stand the thought of Joy being in the world. They want everyone to be as miserable as they are.

Having succeeded so easily in taking away one of our joys, do you think these fanatics are content? If so, you know them not. Their victory has been accomplished so simply that, of course, they are now looking about for new worlds to conquer. They set their mouths, grit their teeth, look us over, impale us on a pin and see where next they can turn on the screws. They take a fiendish delight in inflicting punishment. That is part of their disease. Their suppressed desires find expression in robbing us of our natural pleasure. They are cunning and keen and wise, with the curious and dangerous wisdom of the insane. They think they are sent into the world to redeem it. They have the Messiah complex. They have the delusion of greatness. And when we venture to question their methods and motives, they hurl invectives back at us and cry, "You are persecuting us!" They have paranoia, you see. They would kill us, actually, rather than give us one sip of beer.

And these are the people who have, temporarily, gained the upper hand! Mad on one subject, they appear perfectly balanced while lobbying in the legislatures of the land. Obsessed with one idea, they can talk intelligently on every other subject; but sooner or later they will switch the conversation to their pet theory—and then I ask you to note the

gleam in their eyes, see their lips twitch, watch how nervous they become! Yes, pathological cases, every one of them!

When will the hard-shelled prohibitionists understand that it is not drink *per se* that thinking people are fighting for? The people are roused to action and alarm because of the dangerous precedent that has been set. If we, as a nation, are to be deprived of legitimate and friendly egg-nog (lovely word again!) when New Year comes round, why, in the name of heaven, can we not be deprived of eggs? They make one bilious, I am told. And biliousness is bad for one. Come, let us correct it.

But, having taken away the dangerous egg, let us poke about and see what else one can remove. Ah! there it is, of course! Coffee! Coffee makes one nervous. Nervousness is awful. Coffee keeps one awake. But why remain awake in a world that has lost its glamour? Remove our coffee, then! Gladly we permit you to take it; for then we can go blissfully to sleep and forget our worries and cares.

It has been loudly denied that lobbying is being done to bring about the passage of further drastic laws; but the busybodies are secretly working, night and day. The deadly work goes on, unabated. Of course they are not crying their methods from the housetops. Sinister forces are burrowing deep, and frightened legislators will be forced to follow the path they took before the Eighteenth Amendment went through.

You remember that wonderfully satirical story of Mark Twain's, "The Man That Corrupted Hadleyburg," don't you, and what happened to a town that imposed righteousness upon the inhabitants? All temptation having been beneficently removed, when one little chance came to misbehave, the entire village leaped at it and was thoroughly corrupted.

There is some fun in passing a saloon, in going voluntarily on the water-wagon, in refusing that extra cocktail; there is none whatever in having someone else do it for you.

Our prayers may be dictated to us next. But something tells us that if prohibitionists formulate them, they have no more chance than ours of being heard in heaven. A world made safe for us by reformers is the last kind of world we care to dwell in. For reformers are the kind of people who paint heaven as a stupid city of golden streets and pearly gates, and incessant singing and playing of harps. Well, as Omar said, "thy heaven is not mine."

Prohibitionists, I am genuinely sorry for you. You need not pity me, for I shall go on doing as I please, despite you. And so will millions of other good Americans. Does that make you frantically desperate? Does that make you have another attack of your symptoms? Do you puff up with rage and despair when you hear me say such things in open defiance of you?

Keeper, bring in the straitjacket, and sweep out, as Goldberg says, padded cell No. 7,894,502,431.

For the pathological ward is overcrowded today. They have just brought in a frightfully red-faced man who believes in the Blue Laws; and he must have gone quite mad, for he is singing what he claims is the new national anthem, "Three Cheers for the Red, White and Blues!"

CHAPTER VI

THE INFAMOUS VOLSTEAD ACT

THERE are seven Articles in the original Constitution of the United States of America.

There are nineteen Amendments (to date).

The Fifteenth Amendment has never been taken seriously in certain of the Southern States; and the Eighteenth Amendment has caused more dissension than any law ever placed upon our statutes. The Volstead Act, which is but an enforcing act of the Amendment, is highly unpopular. After three years of trying to coerce the people into obeying a mandate in which millions of them do not believe, are we to continue to do so, or are we, sensibly, to wipe it out?

The money consumed by the Government in attempting to have this vicious law obeyed and respected should cause every American to blush. We are gradually—nay, swiftly—getting to a point where practically every citizen will be watched and guarded by another. One's daily habits will be observed—perhaps by one's next-door neighbor, or the janitor in one's basement. There is no telling

who is a detective nowadays. And there is no telling who is a bootlegger. Maybe one is the other.

How far away we have wandered from those early principles of the signers of the Declaration of Independence and the makers of the Constitution! "O Liberty! Liberty! how many crimes are committed in thy name!" cried Madame Roland; and Bertrand Barère exclaimed, "The tree of liberty only grows when watered by the blood of tyrants."

The Volstead Act is the most tyrannous document a people have ever had thrust upon them. I wonder how many Americans have read it, studied it, pondered over it? I wish we might read the thoughts of all the men who cast their votes for this infamous piece of legislation. I wish we might search their consciences, know of their secret emotions when they assented to its restricting sections.

It would be folly to reproduce the entire document here, with its tangle of legal verbiage, its intricate twists and turns, its complicated sentences which, to the layman, mean so little, but to the law-makers mean so much! Through a thick underbrush of paragraphs the legal mind wanders at will, delightfully and miraculously at home, and finally imagines that it emerges into the sunlight of knowledge and wisdom. Plain folk like you and me find it difficult to follow the gypsy patteran and patter; yet somehow we get the sense of this appalling mass of words —words that seem to have handcuffs attached to them; words that hint of prison cells and donjon-

keeps; words that mystify and frighten us. We feel so guilty as we traverse them; and remembering the violations of this sacrosanct paper which we have witnessed since its solemn passage, we marvel at the energy expended to make us all good and holy—citizens, I was going to say; but I think, with the Englishman, subjects would be nearer the truth.

For a high and mighty absolute monarchy never weighed its people down with heavier bonds. No Kaiser-ridden land ever knew more complete and devastating tyranny. The burdens heaped upon the shoulders of the already weary tax-payers so that the "dignity" of this Act may be upheld—ah! few of us ever consider these. We have grown so used to added packs that one more dollar seems to make little difference. But it was the last straw that broke the camel's back; and who knows how much longer we can stand these accumulating and distressing burdens?

Section 7, of Title 2, reads as follows:

"No one but a physician holding a permit to prescribe liquor shall issue any prescription for liquor. And no physician shall prescribe liquor unless after careful physical examination of the person for whose use such prescription is sought, or if such examination is found impracticable, then upon the best information obtainable, he in good faith believes that the use of such liquor as a medicine by such person is necessary and will afford relief to him from some known ailment. Not more than a pint of spirituous liquor to be taken internally shall be prescribed for use by the same person within any period of ten days and no prescrip-

tion shall be filled more than once. Any pharmacist filling a prescription shall at the time indorse upon it over his own signature the word 'canceled,' together with the date when the liquor was delivered, and then make the same a part of the record that he is required to keep as herein provided.

"Every physician who issues a prescription for liquor shall keep a record, alphabetically arranged in a book prescribed by the commissioner, which shall show the date of issue, amount prescribed, to whom issued, the purpose or ailment for which it is to be used and directions for use, stating the amount and frequency of the dose."

This would be ludicrous were it not so serious. But let us pass on to Section 12:

"All persons manufacturing liquor for sale under the provisions of this title shall securely and permanently attach to every container thereof, as the same is manufactured, a label stating name of manufacturer, kind and quantity of liquor contained therein, and the date of its manufacture, together with the number of the permit authorizing the manufacture thereof; and all persons possessing such liquor in wholesale quantities shall securely keep and maintain such label thereon; and all persons selling at wholesale shall attach to every package of liquor, when sold, a label setting forth the kind and quantity of liquor contained therein, by whom manufactured, the date of sale, and the person to whom sold; which label shall likewise be kept and maintained thereon until the liquor is used for the purpose for which such sale was authorized."

And Section 13 specifies again about records—I wonder if these are carefully kept, as the law provides!—

"It shall be the duty of every carrier to make a record at the place of shipment of the receipt of any liquor transported, and he shall deliver liquor only to persons who present to the carrier a verified copy of a permit to purchase which shall be made a part of the carrier's permanent record at the office from which delivery is made.

"The agent of the common carrier is hereby authorized to administer the oath to the consignee in verification of the copy of the permit presented, who, if not personally known to the agent, shall be identified before the delivery of the liquor to him. The name and address of the person identifying the consignee shall be included in the record."

"SECTION 14. It shall be unlawful for a person to use or induce any carrier, or any agent or employee thereof, to carry or ship any package or receptacle containing liquor without notifying the carrier of the true nature and character of the shipment. No carrier shall transport nor shall any person receive liquor from a carrier unless there appears on the outside of the package containing such liquor the following information:

"Name and address of the consignor or seller, name and address of the consignee, kind and quality of liquor contained therein, and number of the permit to purchase or ship the same, together with the name and address of the person using the permit."

How simple they make it for us! And of course free speech on the billboards has been squashed. For Section 17 has this to say:

"It shall be unlawful to advertise anywhere, or by any means or method, liquor, or the manufacture, sale, keeping for sale or furnishing of the same, or where, how, from whom, or at what price the same may be obtained. No

one shall permit any sign or billboard containing such advertisement to remain upon one's premises."

"SECTION 18. It shall be unlawful to advertise, manufacture, sell, or possess for sale any utensil, contrivance, machine, preparation, compound, tablet, substance, formula, direction, or recipe advertised, designed, or intended for use in the unlawful manufacture of intoxicating liquor."

How the very stills themselves must tremble at these ominous words!

But I think for its far-reaching effects, Section 20 takes the palm:

"Any person who shall be injured in person, property, means of support, or otherwise by any intoxicated person, or by reason of the intoxication of any person" (though we thought intoxication was to be wiped out with the passage of the Volstead Act!) "whether resulting in his death or not, shall have a right of action against any person who shall, by unlawfully selling to or unlawfully assisting in procuring liquor for such intoxicated person, have caused or contributed to such intoxication, and in any such action such person shall have a right to recover actual and exemplary damages." (Yet it is not quite clear how a dead man can bring an action in the courts!) "In case of the death of either party, the action or right of action given by this section shall survive to or against his or her executor or administrator, and the amount so recovered by either wife or child shall be his or her sole and separate property. Such action may be brought in any court of competent jurisdiction. In any case where parents shall be entitled to such damages, either the father or mother may sue alone therefor, but recovery by one of such parties shall be a bar to suit brought by the other."

So Mr. Volstead anticipates trouble for years to come—as long as it would take to settle an action for damages in our already-clogged courts. We make laws, it seems, which we expect to be broken. Deep down in his heart, then, Mr. Volstead feared that people would go on being—just people. Drunkenness is rampant in the land; and I suppose drunkenness will always be rampant in the land. Even Mr. Volstead cannot stop it. What a pity!

But do not think for a moment I am putting in a plea for drunkenness. I am bitterly opposed to drunkenness. Prohibition has not cured it. We have had it long enough now to see its terrible errors. The lions have heard the crack of the whip, but instead of being overcome, overpowered, cowering in corners, we have the spectacle of a determination to pay no attention to the lashings of the law. Half of us willfully disobey this iniquitous legislation—and are proud of our disobedience. What is to be done about it? The more teeth that are put into the Volstead Act, the more teeth the lions show. They growl and fight. They will not be mastered.

Read Section 23.

"Any person who shall, with intent to effect a sale of liquor, by himself, his employee, servant or agent, for himself or any person, company or corporation, keep or carry around on his person, or in a vehicle, or other conveyance whatever, or leave in a place for another to secure, any liquor, or who shall travel to solicit, or solicit, or take, or accept orders for the sale, shipment, or delivery of liquor in violation of this title is guilty of a nuisance and may be

restrained by injunction, temporary and permanent, from doing or continuing to do any of said acts or things."

Have our army of bootleggers read this Section? But they are worth a whole chapter to themselves, so important a part have they become of our national life.

"SECTION 26. When the commissioner, his assistants, inspectors, or any officer of the law shall discover any person in the act of transporting in violation of the law, intoxicating liquors in any wagon, buggy, automobile, water or air craft, or other vehicle, it shall be his duty to seize any and all intoxicating liquors found therein being transported contrary to law. Whenever intoxicating liquors transported or possessed illegally shall be seized by an officer he shall take possession of the vehicle and team or automobile, boat, air or water craft, or any other conveyance, and shall arrest any person in charge thereof. Such officer shall at once proceed against the person arrested under the provisions of this title in any court having competent jurisdiction; but the said vehicle or conveyance shall be returned to the owner upon execution by him of a good and valid bond, with sufficient sureties, in a sum double the value of the property, which said bond shall be approved by said officer and shall be conditioned to return said property to the custody of said officer on the day of trial to abide the judgment of the court. The court upon conviction of the person so arrested shall order the liquor destroyed, and unless good cause to the contrary is shown by the owner, shall order a sale by public auction of the property seized, and the officer making the sale, after deducting the expenses of keeping the property, the fee for the seizure, and the cost of the sale, shall pay all liens, according to their priorities, which are established, by intervention or otherwise at

said hearing or in other proceeding brought for said purpose, as being bona fide and as having been created without the lienor having any notice that the carrying vehicle was being used or was to be used for illegal transportation of liquor, and shall pay the balance of the proceeds into the Treasury of the United States as miscellaneous receipts. All liens against property sold under the provisions of this section shall be transferred from the property to the proceeds of the sale of the property. If, however, no one shall be found claiming the team, vehicle, water or air craft, or automobile, the taking of the same, with a description thereof, shall be advertised in some newspaper published in the city or county where taken, or if there be no newspaper published, in said city or county, in a newspaper having circulation in the county, once a week for two weeks and by hand-bills posted in three public places near the place of seizure, and if no claimant shall appear within ten days after the last publication of the advertisement, the property shall be sold and the proceeds after deducting the expenses and costs shall be paid into the Treasury of the United States as miscellaneous receipts."

"SECTION 27. In all cases in which intoxicating liquors may be subject to be destroyed under the provisions of this Act the court shall have jurisdiction upon the application of the United States attorney to order them delivered to any department or agency of the United States Government for medicinal, mechanical, or scientific uses, or to order the same sold at private sale for such purposes to any person having a permit to purchase liquor, the proceeds to be covered into the Treasury of the United States to the credit of miscellaneous receipts, and all liquor heretofore seized in any suit or proceeding brought for violation of law may likewise be so disposed of, if not claimed within sixty days from the date this section takes effect."

One is happy to realize that the Government may, even while the Volstead Act is in force, receive some small emolument and revenue from John Barleycorn.

Section 37—or a part of it—reads as follows:

"A manufacturer of any beverage containing less than one-half of 1 per centum of alcohol by volume may, on making application and giving such bond as the commissioner shall prescribe, be given a permit to develop in the manufacture thereof, by the usual methods of fermentation and fortification or otherwise a liquid such as beer, ale, porter, or wine, containing more than one-half of 1 per centum of alcohol by volume, but before any such liquid is withdrawn from the factory or otherwise disposed of, the alcoholic contents thereof shall under such rules and regulations as the commissioner may prescribe be reduced below such one-half of 1 per centum of alcohol: *Provided,* That such liquid may be removed and transported, under bond and under such regulations as the commissioner may prescribe, from one bonded plant or warehouse to another for the purpose of having the alcohol extracted therefrom. And such liquids may be developed, under permit, by persons other than the manufacturers of beverages containing less than one-half of 1 per centum of alcohol by volume, and sold to such manufacturers for conversion into such beverages. The alcohol removed from such liquid, if evaporated and not condensed and saved, shall not be subject to tax; if saved, it shall be subject to the same law as other alcoholic liquors. Credit shall be allowed on the tax due on any alcohol so saved to the amount of any tax paid upon distilled spirits or brandy used in the fortification of the liquor from which the same is saved."

Don Marquis's Old Soak must rejoice when he reads such stipulations! And, being a tax-payer, like the rest of us, Section 38 must fill him with added delight:

"The Commissioner of Internal Revenue and the Attorney General of the United States are hereby respectively authorized to appoint and employ such assistants, experts, clerks, and other employees in the District of Columbia or elsewhere, and purchase such supplies and equipment as they may deem necessary for the enforcement of the provisions of this Act, but such assistants, experts, clerks, and other employees, except such executive officers as may be appointed by the Commissioner or the Attorney General to have immediate direction of the enforcement of the provisions of this Act, and persons authorized to issue permits, and agents and inspectors in the field service, shall be appointed under the rules and regulations prescribed by the Civil Service Act: *Provided,* That the Commissioner and Attorney General in making such appointments shall give preference to those who have served in the military or naval service in the recent war, if otherwise qualified, and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sum as may be required for the enforcement of this Act including personal services in the District of Columbia, and for the fiscal year ending June 30, 1920, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,000,000 for the use of the Commissioner of Internal Revenue and $100,000 for the use of the Department of Justice for the enforcement of the provisions of this Act, including personal services in the District of Columbia and necessary printing and binding."

And how is the law enforced?

Our journals do not make pleasant reading for good Americans these days. They are filled with headlines, which concern the Prohibition law, morning after morning. Not long ago I picked up my newspaper and found no less than seventeen columns devoted to stories of what the police in New York City alone were doing, or trying to do, to make the Volstead Act anything but a huge joke.

Up the State, where farmers are paying good taxes, I found a delicious item in a newspaper, to prove the sincerity of the Federal authorities. It seems that in a small town near Utica, an Italian was suspected of having some whiskey on his premises; and three stalwart officers, in plain clothes, pounced down upon his shop (it was not a rum shop) to see what they could find. The man was out; but his wife was at home, and a careful search of the pitiful premises revealed a quart of Scotch, which may or may not have been on sale.

It took three husky men three hours to make this startling discovery. And how much of the taxpayers' money, I wonder? It was all-important that an arrest should take place, but there was no evidence, and nothing further was ever heard of the matter.

And this which sounds as though it had occurred in benighted Russia, greeted my eyes at breakfast one morning, in the New York *Times:*

"ACCUSE JERSEY POLICE OF BRUTAL DRY RAID

"Formed Way into Women's Rooms and Insulted Them, Resort Residents Charge.

"The conduct of eighteen of the New Jersey State Police who participated with Federal prohibition agents in liquor raids on hotels and other places in Lake Hopatcong, N. J., Tuesday night, was such that indignant residents threatened yesterday to complain to Governor Edwards.

"At the Great Cove Hotel at Nolan's Point, the police are alleged to have gone to the room of a waiter and his wife and demanded that they show their marriage certificate. It is also charged that they went to the room of two girls, one of whom was praying, and insisted that they open the door. The police searched the belongings of the girls for whiskey.

"It is charged that at the Espanol Hotel, Nolan's Point, the police went to the room of a mother and her three children, awakened her and charged there was a man in her room. She was compelled to open her door.

"Rented cottages, it is charged, also were visited and searched. It is charged by the complainants that the State police drank the beer and whiskey they seized."

But of course this is all right—to a prohibitionist. The law must be enforced. It makes no difference how enforcement is accomplished.

If the police were honest, if they themselves approved of the Eighteenth Amendment, the country could be made bone dry tomorrow. But when the politicians who voted for Prohibition have no re-

spect for the law they put upon our statutes, why should we expect integrity and honesty down the line?

How can there be any respect for a law which the minions of the law disobey, repeatedly? In a great city like New York, in the Autumn of 1922, innumerable policemen were found drunk while on duty—so much drunkenness had occurred that it was said on reliable authority that a murder a week occurred.

"POLICE MUST TELL HOW THEY GOT RUM"

was the heading in the New York *Times* on October 16th. "Drastic regulations for dealing with policemen who drink" have been framed, and have been circulated in the Police Department. This is the text of the orders. Think of their being necessary!

"1. To the commanding officers:

"The following memorandum from the Police Commissioner is for your information and guidance.

"In Mount Vernon any person found publicly intoxicated is arrested and required to make an affidavit stating where he obtained the liquor causing the intoxication. This affidavit is made the basis of a search warrant, directing a search of the place selling the liquor.

"This is but one of the many means which might be employed to put an end to violation of the Prohibition law. The plan seems to work out successfully in Mount Vernon.

"2. Intoxicated members of the force:

"Hereafter when members of the force are found to be suffering from alcoholism to such an extent as to warrant charges signifying the liquor has been obtained from persons who are violating the State prohibition law, request the officers to make an affidavit stating where they obtained this liquor. Take appropriate action in the premises. If it is found that the officers have failed to take proper action where the law has been violated additional charges should be preferred against them and if the case is a serious one they should be suspended from duty.

"3. Cabarets and dance halls:

"Cabarets and dance halls having resumed business for the Fall and Winter season will be carefully inspected from time to time and properly regulated. The majority of these places disregard provisions of the prohibition law and should be given rigid supervision.

"Commanding officers will see that music and dancing at these places is stopped at 1 A.M., and that these places do not harbor an undesirable element after that hour."

I have spoken of uniformed men standing guard over a roomful of citizens in New York restaurants and cabarets. Alas! it is shockingly true. It is as though no other law existed, as I have said. To one who loves his country, his city, it is disgusting. The people writhe under the presence of the officer—but do nothing about it. What can they do? Could they not request the Mayor, or the Police Commissioner to stop such nonsense? And if the thing occurs in one restaurant, why not in all of them?

With my own eyes I have seen this petty exhibition. It is outrageous. Only one officer was in the

place I visited. Yet I could not believe I was in free America.

The room was filled with beautifully dressed men and women. The dance floor was crowded. Upon every table, directly under the eye of the officer, was a drink. I am not saying that in each tumbler there was an alcoholic beverage—and probably the man in uniform did not wish to think so, either. But I wonder how any intelligent being could imagine that a lot of sophisticated Manhattanites would go out of an evening to a gay cabaret, and order lime-juice—unless they intended to mix something with it? Such folk are not plain ginger-ale consumers, as a rule—they purchase it to mingle with gin. White Rock is not their favorite beverage; neither is Clysmic. Yet bottles of these were evident everywhere. Anyone save a moron would have known why.

Yet solemnly up and down that room the officer walked, glancing here and there, hobnobbing now and again with a friendly waiter—who seemed to be on excellent terms with him. His journeys were rhythmically conceived and executed. For a moment or two he would stand glaring about him, his arms folded, after the manner of a soldier in the late War standing guard over military prisoners. Then he would amble, almost to the time of the music, to the farther side of the room. Instantly two hundred hands would slip under the tables, and flasks would be drawn forth, and a liquid that was certainly not

water would be poured swiftly and deftly into various goblets. Then, when the officer swung back again on his rounds, the folk at the other side of the room would go through the same unbelievable performance. The man in uniform had eyes, but he saw not.

You see, the authorities had come out with a statement not long before, to the effect that it was not the man with the hip-flask whom they were after—only the citizen foolish and daring enough to slam his flask down openly upon a cabaret table. In other words, so delicate are the nuances of the law, that it is not an offense to drink behind your napkin, or behind a closed door; but it is a very terrible crime to reveal the fact that you have a container of alcohol on your person. Think of seriously pronouncing such a ukase, with the Mullan-Gage law still upon the records. I do not understand how City Magistrates, in New York, know how to interpret the law.

I was told that almost every evening an arrest or two is made in these hitherto happy cabarets; but generally the case is dismissed. The proprietor bails his patron out, and then the merry-go-round starts again next evening. Since this was written, the police have been withdrawn from New York cabarets—another confession of the failure to enforce the law.

But New York is full of insincerities. Conventions take place there, and we read a sanctimonious

announcement in the papers that of course nothing alcoholic will be served at the banquets—that goes without saying. But up in Eddie's room, on the eighteenth floor, a lot of grown-up men, in the city to discuss solemn business problems, find that sustenance which they desire and demand. The authorities, alarmed at the influx of so many virtuous men, give out the statement that it is well that they *are* so virtuous, and not the kind of fellows who crave a drink; for the hootch in New York is notoriously foul (of course it isn't, but that makes no difference to a Prohibition officer) and it would be unsafe to consume any of it. Many of these safe and sound business men, from all parts of the country, came out strong for the Eighteenth Amendment. They were Puritans—when it came to the other fellow's habits. The little clerk would never rise to a position of importance—like theirs—if he took so much as a glass of beer. They forgot that they, in their youth —and ever since—had taken a daily nip. I am not saying that they are any the worse for it. I do know, however, that they are none the better, judging by their public utterances and their private behavior.

If there is one kind of human animal I have a supreme contempt for it is the so-called man who believes in Prohibition for you and me—but not for himself. I have heard bankers and Wall Street potentates hold forth with fervor on the salutary effects of the Volstead Act, since it has forced the poor laboring man to give up his ale and beer. He

gets to work early now—there's no need to worry about Monday morning in the factories throughout the land. There is no Saturday-night debauchery; and the bulging pay-envelope is taken home to the wife and children, with no extractions on the way at the corner saloon. Happiness reigns where penury and travail abided before. Production is mounting; there are no strikes to speak of, the prisons are emptying, crime has diminished, wife-beating is unheard of, and so on, *ad infinitum*.

Which would be delightful if it were true. Home brew goes rapturously on; and if Tim doesn't bother to make it himself, he has a pal who does, and he purchases all the gin and beer he needs.

I am not saying this with any intention of approval. I am merely stating conditions as I have observed them. Those who shut their eyes to the facts and go blandly on their way, announcing that the country is bone dry when it is nothing of the sort, do immeasurable damage.

I remember when the Volstead Act first went into effect that I had a serious talk with myself. I came to the conclusion that nothing was more dangerous to this land of ours than a state of things which made it possible for the rich to drink continuously and the poor to be able to obtain nothing. I felt that I could not, with a clear conscience, go on having an occasional cocktail, if the laboring man down the street was deprived of his grog. For a month I absolutely followed the whisperings of that

Inner Voice. Then I happened to go to a manufacturing town near Boston, and the work I was doing brought me into contact with the men in the shops there. Somehow the subject came up—I forget in just what way; and when my plan became known, a laugh greeted my ears.

"Don't be such a jackass!" one of the fellows cried. "Why, we're getting all we want, in spite of Mr. Volstead—we're making it ourselves!"

My self-inflicted martyrdom ceased from that moment; and I must confess that I felt a bit foolish.

More people are drinking heavily now than in the old days—and, drinking inferior stuff, they are suffering more in consequence. The results of this have been put into a delightful rhyme by the clever James J. Montague who, in his way, is a genius. He turns out happy and technically fine verses every day for a syndicate, until one is amazed at his cleverness and seemingly endless chain of ideas. Listen to him:

THE ELUSIVE MORAL

Before there was a Volstead law
  The village gossips used to mutter
In pitying accents when they saw
  A friend and neighbor in the gutter:
"How dreadful was the fellow's fall!
  How terrible is his condition!
He wouldn't be that way at all
  If only we had prohibition!"

They knew the drunkards all by name,
And when they came around with edges
Some elderly and kindly dame
Would get their signatures to pledges.
And if they all appeared next day
Still far too merry and seraphic,
The troubled townsfolk used to say
Hard things about the liquor traffic.

To-day, when some good man goes wrong,
The villagers with whom he's mingled
Observe his frequent bursts of song
And thus discover he is jingled.
"Too bad about that chap," they cry,
"He might have kept his high position
If Volstead hadn't made us dry—
What ruined *him* is prohibition!"

There is some moral in this tale—
I fancied so when I designed it—
But I have searched without avail
For nearly half an hour to find it!

CHAPTER VII

A TRIUMVIRATE AGAINST PROHIBITION

HOW many Americans know that on August 6, 1833, Abraham Lincoln, with two other men, took out a license to sell liquor? Through the kindness of my friend, William L. Fish, I am permitted to reproduce it (see page 84).

Times were different then, it is true; but one has the feeling that Abraham Lincoln was not a Prohibitionist. He was temperate in all things.

In his amazingly interesting book, "Talks with T. R.," Mr. John J. Leary, Jr., includes a chapter wherein Theodore Roosevelt speaks in no uncertain manner about the prospect of the country going dry.

"Colonel Roosevelt was not of those who favored the Eighteenth Amendment," Mr. Leary points out. "To his mind Prohibition was certain to cause unrest and dissatisfaction; he doubted the fairness of removing the saloon without providing something to take its place in the life of the tenement-dwellers; and he was inclined to think the liquor question was settling itself.

" 'You and I can recall the time,' he said to me one day, 'when it was not bad form for substantial men of affairs, for lawyers, doctors—professional men generally—to drink in the middle of the day. It is good form no longer, and

Know all Men by these presents
that We William F. Berry Abraham Lincoln
and John Bowling Green are
held and firmly bound unto the
County Commissioners of Sangamon
County in the full sum of three hun-
-dred dollars to which payment
well and truly to be made We
bind ourselves our heirs our Executors
and administrators firmly by
these presents Sealed with our seals
and dated this 6th day of March
A.D. 1833 — Now the Condition
of this obligation is such that
whereas the said Berry & Lincoln
has obtained a license from the
County Commissioners Court to keep
a tavern in the Town of Pleasant
to Continue one year Now if
the said Berry and Lincoln shall
well & good behavior and observe
all the laws of this State relative
to tavern keeping then this obli-
gation to be void or otherwise
remain in full force —

Abraham Lincoln
Wm. F. Berry
Bowling Green

it's not now done. It is not so long ago that practically every man in politics drank more or less, when hard drinking, if not the rule, was not the exception. Now the hard drinker, if he exists at all among the higher grade, is a survival of what you might call another day.

" 'Take Tammany. No one holds that up as an organization of model men, yet I am sure that were you to make a canvass of its district leaders, you would find pretty close to a majority if not an actual majority are teetotallers. Tammany no longer sends men with ability, and a weakness for liquor, to Albany. It may and it probably will send another of Tom Grady's ability, but it will not send one who drinks as hard.

" 'This, you may rest assured, is not a matter of morals. It is, however, a matter of efficiency. Tammany wants results and it is sufficiently abreast of the times to know that drink and efficiency do not go hand in hand in these days of card indexes and adding machines.

" 'It is the same in your profession. Not long ago most of the boys were fairly competent drinking men; some I knew were rated as extra competent by admiring, perhaps envious, colleagues. Now the drinking man, at least the man who drinks enough to show the effects, is rare. The reason: your editors won't stand for it. As Jack Slaght put it the other day—I think it was Jack—a reporter in the old days was expected to have "a birthday" about so often and nothing was thought of it. Now, as Slaght puts it, he is allowed but two. The first time, still quoting your friend Slaght, who at times is inclined to use plain language, he gets hell; the next time he gets fired. That is so, is it not?'

"I assured him that Slaght was substantially correct.

" 'It's not a matter of morals there, though' (with a laugh). 'I will admit you boys do not lack morals. As

with Tammany, it is a question of getting results, exactly as it is with the doctor, the lawyer, and the judge.

"'Drinking declined once it became an economic question, or at least as soon as it was recognized as an economic factor. It then began to be unfashionable—at least to overdrink—and the man who never drank at all ceased to be unusual in any trade or calling.

"'I am, however, sorry that they are pressing Prohibition so hard at this time. It is, I think, all right, desirable, in fact, to limit or perhaps prohibit the so-called hard liquors, but it is a mistake, I think, to stop or try to stop the use of beers and the lighter wines.

"'If this thing goes through, where does the social side of life come in? We both know that a "dry" dinner is apt to be a sad sort of affair. It will make dining a lost art.

"'Likewise, I do not know how the working-classes will take to the change. You and I have no need of the saloon. We have other places to go. But you and I know that the saloon fits into a very definite place in the life of the tenement-dweller. I do not know what he will do without it; what substitutes the reformers will think they can give him for it. I do not believe they have thought of that, or that they care much.

"'Frankly, I do not know what will be the outcome. Prohibition, if it comes, will cause ill-feeling and unrest—it will be a disturbing factor—but I do not look for anything serious, for after all is said and done, the fact remains that the American workman is a law-abiding individual.

"'When it comes, Prohibition may or may not be permanent. You may, however, be sure of one thing—it will be extremely difficult to repeal, once it becomes part of the Constitution.'

"Responsibility for Prohibition Colonel Roosevelt placed

squarely upon the shoulders of the liquor dealers good and bad.

"'Some liquor dealers I have known,' said he, 'were good, well-meaning citizens, who kept decent places. Take the Oakeses, father and son, who own the Oyster Bay Inn. I should be very sorry to see them lose their license. Theirs is a clean, respectable place. Again, there is John Brosnan's place in New York. No one ever heard a complaint against John. His place has been no more offensive than if he sold dry goods.

"'I shall take no part in the contest one way or the other. It must be settled without me. I shall not allow it or anything else to swerve me from the work we're now in.'

"The 'work we're now in' was the effort to speed up the war by arousing the American people to the necessity of winning a 'peace with victory.'"

Thus Theodore Roosevelt.

Woodrow Wilson vetoed the Volstead Act. He saw at once its undemocratic features, its danger to the country.

As to following Abraham Lincoln, Theodore Roosevelt and Woodrow Wilson—do you prefer their leadership, or that of Mr. Volstead and the fanatics?

CHAPTER VIII

"THE FEAR FOR THEE, MY COUNTRY"

THE Prohibitionists contend, when we who are but human suggest that the Eighteenth Amendment and the Volstead Act should be changed, that the law is the law; and now that these are part of our statutes, they are there to stay, that they must not be tampered with or altered in any way; that it is up to every good American to accept them, not to complain, not to make any utterance which would be apt to disturb the sweet peace these laws are intended to bring to us.

They forget that it is they themselves who saw fit to change our laws. Are they bad Americans because they did so? When the shoe is on the other foot. . . . But the analogy is so obvious that there can scarcely be any necessity of arguing the matter.

I have written, in a previous chapter, about a few of the laws which are disobeyed. Am I a bad American, a poor sport, for instance, because I refuse to believe in capital punishment? It is the law of my State that a man found guilty of murder in the first degree must go to the electric chair. Called to serve upon a criminal jury, I plainly say that I do not believe in capital punishment. I am excused.

My conscientious scruples are taken into consideration. I imagine that only a small percentage of us believe in sending a man to his death, even for so serious a crime as murder; yet the statute abides. We continue to send men to the gallows, or the chair —though some States have been wise enough to abolish the barbarous habit.

I have conscientious scruples about trying a man for violation of the Volstead Act; for it would hardly be possible for me to convict a fellow citizen who had been spied upon by a detective in a bathing-suit, as I read not long ago that one man had been. I am against the manner in which evidence is obtained; and I would distrust, even under oath, statements of witnesses who hired themselves to the Government as plain-clothes men to visit beaches and bathing pavilions in order to discover some unlucky devil in the act of taking a nip from a pint bottle after he was shivering from his plunge in the ocean. There is a human element in such a case. I may be too emotional for perfect jury service. Granted. But that is something beyond my control. I cannot change my temperament. I loath the spectacle of one part of the population striving to discover something evil in the other part. It seems unnecessary to me. Peeping Toms are a far greater menace than the people peeped at. I do not feel morally bound to respect a law which so many respectable fellow citizens likewise disrespect. I think stupid legislation is an abomination; that the world

would be a happier place were it not for censorship of morals and manners. I think that most people instinctively know the difference between right and wrong, and that, through education, they can be made to understand and see all those little differences and shades which sometimes confound us.

There are divorce laws upon our Statutes which millions of people violently and bitterly oppose. Is a good Roman Catholic a bad American citizen because his conscience refuses to let him condone the rulings of our Courts in divorce trials?

On April 24, 1922, in St. Mary's Protestant Episcopal Church, Emmerton, Maryland, a sermon was preached by the Reverend W. A. Crawford-Frost on the subject of "Obeying a Disreputable Law."

The minister took as his text the verses from Esther 1:7 and 8: "And they gave them drink in vessels of gold, (the vessels being diverse one from another,) and royal wine in abundance, according to the state of the king. And the drinking was according to the law; none did compel: for so the king had appointed to all the officers of his house, that they should do according to every man's pleasure."

He said in part:

"Recently President Harding and Secretary Hughes have made pathetic appeals to the people of America to respect the law. That such a request should have been considered necessary is itself a sad commentary on the state

of affairs existing in our republic. There is a difference between obedience and respect. All good citizens are called upon to obey the laws, whether they respect a particular law or not; but they are not called upon to respect a law that is not respectable.

"There are disreputable laws just as there are disreputable men.

"When is a man properly looked upon as disreputable? That depends on the time and place and the people who do the looking, but in most ages and countries there are some things that the universal conscience of man holds to be not respectable. Thus lying, robbing, cruelty and blasphemy are disreputable, and a man who lies, robs, is cruel and blasphemes is a disreputable man.

"Accordingly, if a law can be shown to lie, to rob, to be cruel, and to blaspheme God, it is a disreputable law and does not deserve respect, though all good citizens should obey it until it is repealed.

"To call upon the people of America to respect a law that is not respectable is fundamentally dishonest, for it breaks down the distinction between what is respectable and what is disreputable and calls upon us to admire and look up to that which we should despise and abhor.

"Now I will give you reasons why I consider that the Volstead Act lies, robs, is cruel and blasphemes God. It may be that my arguments are not sound, but they appear to me to be so, and all that a man can do is to go according to his conscience and his common sense.

"It seems to me that it is a lie to say that all beverages containing more than one half of one per cent of alcohol are intoxicating. No man's stomach can hold enough of a drink containing twice that proportion of alcohol to become inebriated thereby. It is a physical impossibility. He would have to absorb at least a gallon at one time to do it. . . .

"The Volstead Act robbed thousands of men whose capital was invested in what they considered to be an honorable industry and one that promoted the health and happiness of mankind on the whole, even though five per cent injured themselves by it.

"It robbed them by taking away their property from them without compensation. It robbed their employees of their living by throwing them out of work. It robbed the taxpayers, who now have to pay out of their own pockets by compulsion the billions of dollars that were formerly spent cheerfully and voluntarily by the users of alcoholic beverages.

"The Volstead Act is cruel to invalids who under it cannot afford to get the proper alcoholic beverages needed to preserve their lives. I could quote scores of the highest medical authorities to prove this, but only have space for a few:

"Dr. Paul Bartholow, of the Jefferson Medical College: 'Beer, ale and porter are much and justly esteemed as stomach tonics and restoratives in chronic, wasting diseases. Alcohol is an important remedy in the various forms of pulmonary phthisis. In convalescents from acute diseases there can be no difference of opinion as to the great value of wine as a restorative.'

"Dr. Samuel C. L. Potter, of the Cooper Medical College, San Francisco: 'In anemia and chlorosis good red wines are almost indispensable. It is an absolute necessity in the treatment of lobar pneumonia. In fevers, alcohol is often most serviceable.'

"Dr. Frederick C. Shattuc, of Harvard University: 'In typhoid fever if the heart shows undue weakness I consider it a grave error in judgment to withhold alcohol. The danger of forming the alcohol habit is practically *nil* in the subjects of acute general infection. They are more likely to acquire a distaste than a liking for it.'

"Dr. Daniel M. Hoyte, formerly of the University of Pennsylvania: 'Alcohol has long been used to abort a cold. The patient takes a hot bath, and after getting into bed drinks a hot lemonade containing one or two ounces of whiskey. This produces diaphoresis and aids in the elimination of the toxins.'

"Dr. Binford Throne, writing in *Forschheimer's Therapeusis:* 'All cases of diphtheria have more or less myocarditis, and all should be given stimulants from the first. The best is good whiskey or brandy.'

"Dr. Charles P. Woodruff, Surgeon in the United States Army in the Philippines, wrote in the *New York Medical Journal,* December 17th, 1904, as follows:

" 'In 1902 I obtained a mass of data on the physical condition and drinking habits of a regiment of infantry which had about three years in the Philippines. I must confess to being somewhat disconcerted and disheartened at first by the total; the excessive drinkers were far healthier than the abstainers, only one half as many were sent home sick and one sixth as many of them died. I had hoped to prove the opposite. . . . The damage done to these young men by occasional sprees is not so great as the damage done by the climate to the abstainers. What a lot of misstatements have we received from our teachers, text books, and authorities!' He concludes:

" 'I suppose some medical editors would advise hiding these figures on the ground that they would be an advantage to the whiskey dealers who buy Kansas corn from Prohibition farmers. They would no doubt rather see our soldiers die than let them know that a drink of wine at meals might save their lives.'

"In his report he had stated that approximately 11 per cent of the abstainers died, while about 3½ per cent of the moderate, and less than 2 per cent of the excessive, died. About 15 per cent of the abstainers were invalided

home, about 9 per cent or 10 per cent of the moderate, and about 8 per cent of the excessive drinkers.

"And yet in the light of stupendous facts like these the Volstead Act is passed, hampering physicians in their work of mercy and making it sometimes impossible for them to give the remedies that God intended to prevent suffering and preserve human life. Could diabolical cruelty go further than that?

"To torture an invalid is as devilish as it is to burn a well man at a stake.

"More. It is a thousand times worse because it is so much more widely spread. Hundreds of invalids are being tortured all over the United States to-day for every white man that ever was burned at the stake by the Indians.

"Every loyal member of the Protestant Episcopal Church should hold that the Volstead Act is a blasphemy against God. Jews, Unitarians and others who do not consider that Jesus was God, are entitled to hold different views from us regarding the religious aspect of this Act, but for us there is no escape. We believe that Jesus was God, and we believe that He made wine at Cana and that He ordered it to be drunk publicly in His memory for all time to come. Our Church has declared that unfermented grape juice is not wine and should not be used for it in the Sacrament of Holy Communion. A law to say that wine containing more than one half of one per cent alcohol should not be allowed to be made and carried about freely from place to place, implies that Jesus did wrong in making it and ordering it to be used publicly by Christians. If He did wrong, He was not God. Therefore, the Volstead Act from the standpoint of our Church, blasphemes God.

"Every true Churchman, consequently, should despise and abhor the Volstead Act as lying, robbing, cruel and blaspheming and unworthy of respect, although it must be

obeyed by all good citizens till it can be repealed. We give it obedience, but not respect.

" 'But,' some will say, 'if this is so, why should we obey such a law? Would it not be better to rebel against it, to flout it openly and take the consequences?' It is unjust. It is tyrannical. It is un-American. It is due to a combination of religious and universal ignorance of physiology. It is the result of active political propaganda carried on by money of persons who are financially interested in prohibiting alcoholic beverages. The weapons used have been trickery, deception, falsification of statistics, lobbying, slander and abuse. It has been forced on legislators by intimidation of the grossest kind. Good men have been afraid to oppose it, for fear of being called 'boozers,' 'bootleggers,' 'lawbreakers,' and other opprobrious epithets. It was smuggled in as a war measure when our young men were overseas, and later on was made more and more stringent, till it far surpassed in tyranny any thought entertained by its supporters in the beginning. Why should we obey such a law? Would it not be more American to treat this piece of iniquity as our forefathers treated the Stamp Act?

"No. It is our duty to obey it. We could not repeal the Stamp Act, and we can repeal this. In the case of the tyranny of George III there was no legal redress. All that freedom-loving men could do was to rebel. That tyranny was forced on us from the outside. This we have allowed to be imposed on us in our supineness by tyrants in our own household. The two cases are not similar. We must obey the Volstead Act till we can repeal or amend it. . . .

"Bolingbroke declared, 'Liberty is to the collective body what health is to every individual body. Without health no pleasure can be tasted by man; without liberty no happiness can be enjoyed by society.'

"I refuse to be silent when I see America, the hope of

mankind, likely to be bound hand and foot by the tyranny of ignorance and religious fanaticism. . . .

"The maxim of John Philpot Curran, 'Eternal vigilance is the price of liberty,' was never needed in America more than it is at this moment. This is no time for patriots to be silent.

"According to Burke, the people never give up their liberties but under some delusion. In this case the delusion is that they are following Christ while they are really following Mahomet, the anti-Christ. That delusion must be exposed until everybody sees it clearly.

"We must not forget what Colton said: 'Liberty will not descend to a people. A people must raise themselves to liberty; it is a blessing that must be earned to be enjoyed.'

"How can this be done? Listen to Savonarola: 'Do you wish to be free? Then above all things love God. Love one another and love the common weal; then you will have liberty.'

"It is all right to regulate drinking by law, provided it is the right kind of a law.

"The extraordinary thing about our text is that it shows the legal regulation of drinking to be no new thing, for it existed in the time of Queen Esther, 510 B.C., or just 2432 years ago, because our text says 'and the drinking was according to the law.'

"But the law allowed all the liberty that was right and proper. It says: 'None could compel; for the king had appointed to all the officers of his house that they should do according to every man's pleasure.'

"It was a joyful and festive occasion, like the wedding at Cana, and Ahasuerus then, as did Jesus later on, recognizes that the proper use of wine would promote happiness and health and that the guests present would be trusted not to abuse it.

"But though laws regulating drinking may be necessary to well ordered society, these laws must be equitable and sensible, regulation, according to the scriptures, not prohibition. The drinking should be 'according to the law.' One great trouble about the Volstead Act is that the drinking goes on just the same but it is not 'according to the law,' and instead of getting pure liquors people are being poisoned by the thousands all over the country.

"Would it not be better to follow the Bible and have the liquor drunk according to the law?

"This can only be done by modifying the law so as to make it conform with the Bible. If the law is dishonest, cruel or unjust, we must vote to change it if we love God, and love our neighbor and love the common weal. We must either repeal it altogether or amend it, so as to make it honest, kindly and fair, so that we may have law and liberty at the same time.

"And Americans will do it. In the immortal words of Daniel Webster: 'If the true spark of religious and civil liberty be kindled, it will burn. Human agency cannot extinguish it. Like the earth's central fire, it may be smothered for a time; the ocean may overwhelm it; mountains may press it down; but its inherent and unconquerable force will heave both the ocean and the land, and at some time or other, in some place or other, it will break out and flame up to heaven.'"

This is powerful language which strikes at the very root of things, but Dr. Crawford-Frost is not the only fearless clergyman who has spoken his mind on this all-absorbing question. Archbishop Glennon, of St. Louis, has scored the Eighteenth Amendment. In an interview given at Atlantic City in August, 1922, he bravely said:

"The Constitution has been considerably weakened by the addition of the Eighteenth Amendment, for the Prohibition clause limits rights, while the rest of the Constitution grants rights. Matters referring to alcohol and drugs should be left to the police courts of the various cities and states."

When he was asked if he thought Prohibition a benefit to the country, he said:

"For those who drink too much, yes."

The Most Reverend James Duhig, D.D., Archbishop of Brisbane, Australia, interviewed in New York, in the late summer of 1922, deplored the dry law. He admitted that he had not observed any drunken men in the streets of the metropolis, but that fact, he said, was beside the issue, because it was the principle of Prohibition with which he took issue. He said:

"In Australia they are against Prohibition. I myself have written strongly against it, and all that I have been able to learn of the results of it in the United States has only served to confirm my belief that Australia has taken the right view.

"Australia was amazed at America going dry. You cannot make men sober by an act of Parliament. What we need is a reasonable control of the liquor trade, not its total abolition. Extremes are always dangerous, and I consider Prohibition an extreme course."

In the State of Nebraska recently an attempt was made to put through the legislation many autocratic

laws. People were not to be allowed to speak a foreign language, and certain restrictions were to be placed on the wearing of religious garb, etc. A visitor to that State, George A. Schreiner, of South Africa, deprecated such legislation, and stated that "laws of intolerance defeat their own ends." It is interesting to see the reactions on those who come to our country for the first time. Mr. Schreiner expressed himself wisely when he said:

"It all reminds me of the attempt recently made in Japan to put a law on the statutes against bad thoughts. Of course, that was very absurd and still, in a way, it was a very honestly meant piece of legislation. The author of the bill wanted to get at the root of what he considered an evil—a danger to Japan. Elsewhere and in your own State the same thing has been attempted by being aimed at, as it were. I feel that a great deal of intolerance has been born of the War, but we ought to be fair even with Jupiter and Mars. Much is blamed on the War, when, in reality, the War served simply as an excuse to waken latent passions in man."

The Outlook, which is certainly a sane periodical, whose editorial integrity cannot be doubted, sees a menace in too much legislation. Only confusion and distrust can result when the people are confronted with a mass of judicial arguments and interpretations of those arguments. In a sensible editorial recently, entitled "Why Not 'Limitation of Legislation'?" the editors spoke their minds thus:

"This harassed old world needs 'limitation of legislation' as well as 'limitation of armaments.' Statutes, laws, and

regulations of all sorts make each year confusion worse confounded. It has been asserted that every person in the United States, unwittingly, in 99 cases out of 100, violates every day some Federal State or local law or regulation; perhaps the honest judge himself in going from his home to the court room where he hands down every day his judgments of justice breaks some minor regulation, for which offense a policeman, if he were nearby and had studied his book of regulations carefully enough, could place the eminent judge under arrest.

"A leading authority on American police administration recently estimated that the average policeman, to enforce the city ordinances, State laws, and Congressional enactments, committed in whole or in part to his charge, must have a working knowledge of at least 16,000 statutes. This fact was pointed out in a recent speech in Washington by James A. Emery before the American Cotton Manufacturers' Association.

"Why not a Congress sometime which would subtract 500 useless or foolish or annoying laws from the statute-books, instead of adding 500 laws to those same bulky volumes? Such a Congress might earn recognition as the greatest the world had yet seen.

"In one of our State legislators a few years ago an extreme illustration occurred of the desire of a member to have his name attached to some piece of legislation. This particular member was sent to the Legislature from a more or less rural district. He introduced a bill providing that a bounty of five dollars be paid by the State for the hide of every loup-cervier (the Canada lynx or wild cat) killed in the Commonwealth. Most of the members did not know what a loup-cervier was and had to consult the dictionary, or some other member who had beaten them to the dictionary, to find out what this particular animal (popularly known in some places as Lucy Vee) was. The legis-

lator who desired to have his name go down in history as the author of an addition to the laws of the State is said to have traded his vote on practically every other piece of legislation which came up at that session for votes on his pet measure, which was passed. The State pays as much as twenty or thirty dollars some years for the animals killed on which this bill offered a bounty!

"If there is one place above all others where there is pride of authorship, it is in the halls of America's State and National capitols; and, as in the field of belles-lettres, there is plenty of plagiarism. Similar bills also are frequently introduced by a half dozen or more members, each hoping his may be the one which will stick and bear the mark of fame.

"The United States 'easily holds first place in the manufacture of statutory law,' declared Mr. Emery in his speech. 'A single Congress,' he added, 'usually receives some 20,000 bills. Many of the States consider not less than 1000. During the year 1921, 42 legislatures were in session. Judging from past years, Congress and the States annually enact an average of 14,000 statutes. The State and National legislation of a single year recently required more than 40,000 pages of official print.'

"Certainly, it is time for a Congress on limitation of legislation."

The same paper has this to say, editorially, on "The Achilles Heel of Prohibition":

"National Prohibition has not been long on trial. The final effect of the fundamental change in our Constitution involved in the enactment of the Eighteenth Amendment has not been, and cannot be, yet determined. All the evidence which we have seen, however, tends to show that the nation is better off materially and physically under

Prohibition than under the system which permitted the sale of intoxicating beverages. Benefits to be derived from the elimination of the drink traffic did not wait upon our National experiment for demonstration. They have been obvious for centuries in the experience of peoples from whom alcohol has been barred by religious authority. There remains, however, a very serious problem confronting the defenders and advocates of national prohibition. It is the problem of maintaining the respect for law and order and that mental habit of ready acceptance of legal enactments which is one of the strongest bulwarks of applied democracy.

"We do not doubt for a minute that the majority of the people of the United States are in favor of national prohibition. Even in great cities where the liquor interests have had their stronghold we suspect that the number of men and women who would vote for national prohibition, were it put to the popular test, is much larger than the 'wets' are willing to admit. We say this in order that this editorial may not be considered as an argument for the repeal of prohibition amendment by those who are working for such ends upon premises which we regard as distinctly unsound.

"To say that there is a majority in favor of the amendment does not imply that there is not a large and active minority in favor of its repeal. The greatest problem confronting advocates of national prohibition lies in the fact that this large minority has not accepted the amendment with that good faith and willing spirit which we have grown to look upon as characteristic of the spirit of the losers in our political controversies. There have been great changes in our government prior to the enactment of the Prohibition Amendment, but almost invariably these changes, once effected, have been acquiesced in by their most ardent opponents. We are not speaking of indi-

vidual violators, but of the public attitude towards the law.

"One of the strongest denunciations of those who have failed to acquiesce in the Eighteenth Amendment was recently voiced by Judge Ben B. Lindsay, of Colorado, in a statement to the press. Judge Lindsay said:

" 'Is the Eighteenth Amendment going to be enforced? At the present time it is not being enforced with any degree of success, but has raised up a trail of evils in its wake which are as bad, if not worse, than those it sought to avoid.

" 'So far the great majority of prosecutions have been against the poor and uninfluential people who are victims of the tremendous temptations afforded by the example of the rich.

" 'Just what do I mean? I mean that the wealthy and more favored class in this country must accept a responsibility which is now being ignored. They must be willing to give up their pleasures and abide by the law intended for the good of all. So far they have not set the example.

" 'The theaters, jokesters, and parodists are encouraged in making a mockery of the Constitution of the United States. When a rich or influential citizen fills his cellars with smuggled liquor and the police are called off, in nearly every case the "conspiracy of the rich" is immediately set in motion. What is this "conspiracy"?

" 'It consists of their influence in reaching officials and suppressing newspaper publicity concerning themselves. So long as some of these officials and some newspapers are lending themselves to this "conspiracy," they are creating class prejudice. An example of this occurred in our city within the past week. A friend of one of our most influential newspapers became involved in a bootlegging case and was successful in suppressing all mention of it in that particular paper which pretends to be against this evil.

" 'The greatest need in this country to-day is to abolish "special privileges," and the new "special privilege" which the Eighteenth Amendment has created is the right of the rich to have their booze while the same right is denied to the poor.'

"Judge Lindsay has laid his finger upon a moral danger which exists in the widespread levity towards an important section of our National Constitution. The same menace was singled out for warning by Prohibition Commissioner Haynes when he recently said: 'One of the greatest dangers now confronting the Republic is that we may lose our vision of the sanctity and majesty of the law.'

"How shall we guard ourselves against this menace? The protection cannot be found merely in increased activity of the enforcement officials. It cannot be wholly met by the vigilance of the police. It is a moral danger, and it must be met with moral weapons.

"If we turn to the States which experimented with prohibition prior to the enactment of the National Amendment, we shall find precedent an uncertain guide to an understanding of the situation which confronts us. Maine, which has the longest record under prohibition, has almost the poorest record in maintaining respect for its prohibition laws. Kansas, on the other hand, after a generation of disturbance and conflict, settled down to obedience to the law backed by a wholesome and widespread public opinion.

"Will the Nation follow the precedence of Maine or of Kansas? The determination of this all-important fact depends on the sum total of the attitude of our individual citizens towards the maintenance of our fundamental law. It is the right of any one to work for the repeal of the Eighteenth Amendment if he or she so desires, but it is the bounden duty of every one to see that so long as the Eighteenth Amendment is part of our Constitution it is

accorded that respect upon which the whole structure of democratic government rests."

But here we get right back to where we started. Citizens cannot be *forced* to respect a law for which, inwardly, they have a great contempt. Even a spiritual energy cannot be brought to bear, I fear, which is strong enough to bring about this desirable end. The youth of our land, at least in our great cities, laugh at the Eighteenth Amendment—which means that they will laugh at other laws, and finally express nothing but derision for the Government.

This concentrated feeling is far more serious than scattered inebriety. It strikes at the very base and roots of society, and, once having gained a sure hold on the people, cannot be checked. An observer who loves America cannot but see in the youth of the land a total disrespect for order and the old sanctities; a violation of moral codes, and a failure to establish rectitude in niches of the heart. There are no convictions, no principles among the young and growing population. There is no desire to conform, no aspiration for a betterment of conditions as they are. Instead, there is intolerant laughter, and one is called an old fogy who attempts to assert that marriage vows mean something and that girls who drink cocktails in taxicabs out of thermos bottles are in grave peril.

There is a studious avoidance of responsibility. Yet one should not be surprised. The example set

is none too worthy. It is known that hypocrisy exists in high places; that inconsistency is a national trait; that men in office say one thing and do another.

I heard a young man remark not long ago: "Oh, they think it's wrong, do they, to drink? Well, how many Congressmen in Washington have replenished their wine-cellars, do you suppose, since Mr. Volstead ran this country, eh? I'd like to get affidavits from bootleggers in Washington, as to just what stock has been laid in."

That feeling—how can one counteract it? One has no answer for such a sage youth. Alas! he does some thinking, after all; but our silly legislation has caused his thoughts to run in a direction from which we would gladly divert his mind. The fact of the matter is that most of his elders have thought long and solemnly on these same things.

It is not a pretty topic to consider. We will not face the facts—that is the trouble with America, as I see it. I know one Assemblyman in New York State who bravely ran on a wet platform in a dry community, as a matter of principle. He was weary of lying to himself, and to his constituents. He said that as long as he kept a wine-cellar, and deliberately transported some of its contents when it suited him, in his car, he could not face his friends. He must come out in the open and accept their blame or their approval. He ran for office with a clear conscience; but others will not thus declare themselves. Behind veils of verbiage they discreetly conceal their politi-

cal faces; alone with one another, or with you and me, they will speak their true mind on Prohibition—particularly if their tongues are loosened by one or two glasses of whiskey.

These are the men who are a danger to the Republic they pretend to serve. Janus-faces have they. They are all things to all men. The time will come when, before we go to the polls, we shall know just where each candidate stands on every issue. There will be no equivocation. Declarations must be made. Masks must be off.

Of the menace of hypocritical office-holders and senators, Edwin Markham has spoken eloquently in these ringing lines. They should be known to us all in these times of shattered dreams and false avowals. The old established Ship of State could weather the gale if the crew were honest and remained on deck.

THE FEAR FOR THEE, MY COUNTRY

In storied Venice, where the night repeats
The heaven of stars down all her rippling streets,
Stood the great Bell Tower, fronting seas and skies—
Fronting the ages, drawing all men's eyes;
Rooted like Teneriffe, aloft and proud,
Taunting the lightning, tearing the flying cloud.

It marked the hours for Venice: all men said
Time cannot reach to bow that lofty head:
Time, that shall touch all else with ruin, must
Forbear to make this shaft confess its dust.

Yet all the while, in secret, without sound,
The fat worms gnawed the timbers underground.

The twisting worm, whose epoch is an hour,
Caverned his way into the mighty tower;
Till suddenly it shook, it swayed, it broke,
And fell in darkening thunder at one stroke.
The strong shaft, with an angel on the crown,
Fell ruining: a thousand years went down!

And so I fear, my country, not the hand
That shall hurl night and whirlwind on the land;
I fear not Titan traitors who shall rise
To stride like Brocken shadows on our skies:
These we can face in open fight, withstand
With reddening rampart and the sworded hand.

I fear the vermin that shall undermine
Senate and citadel and school and shrine;
The Worm of Greed, the fatted Worm of Ease,
And all the crawling progeny of these—
The vermin that shall honeycomb the towers
And walls of State in unsuspecting hours.

CHAPTER IX

DRYING UP THE OCEAN

THERE is a little town in Wyoming which, outwardly, is as arid as that waste of desert not so many hundreds of miles away from it. Yet for a consideration one may obtain all the moonshine and gin one desires at another village near by. The lady prohibitionists, all members of the W. C. T. U., as they pass the erstwhile village drunkard (on their way to some sanctimonious meeting), remark what a wonderful thing the cleaning up of the town has been. Poor devil! only a little while ago he was literally in the gutter. Now, look at him, as he sits in the merry sunshine on the porch of the post-office, whittling his life away, where aforetime he drank it away. (They do not know that the poor devil is about the only person in the village—except themselves—who fails to obtain whiskey, though his reasons for the lack are hardly similar to theirs. He simply cannot afford the price.) It costs a few pennies to get to that neighboring wet village; and, after one is there, it costs a little more to procure the stuff he once drank with such avidity. But the flappers—oh, yes, they have them even in Wyoming small towns!

—and the boys who are their friends, can dash over in a Ford and get all they want. Concealed on the hip, they feel no lack of stimulation when the evening shadows fall. They do not get tight in public, as the town drunkard used to do—not at all. But they are up to all the tricks of sly drinking. If they were burglars, they would be called sneak-thieves. America has taught them a thing or two; and where the previous generation, at their age, never dreamed of taking a cocktail, they think of nothing else, and will get it at any price. This is true the country over. But the obviously enforced reformation of many a village souse is pointed to as perfect evidence that all is well. I suppose those virtuous W. C. T. U. ladies go to bed o' nights and sleep serenely, happy in the consciousness that they have helped the race. And even as they slumber, hip-flasks are opened, corks are popping, and an enjoyable time is being had by all.

Thus do reformers blind themselves to conditions as they are. The village drunkard, tottering to his grave, has been reformed—if he was worth reforming at all—while the arriving host of youth is dancing and singing and jazzing its way "down the primrose path to the everlasting bonfire."

This is but another evidence of our national hypocrisy. And not content with making the land dry—which we haven't done at all—we must go out and make the sea dry. Our holier-than-thou attitude has caused us to lose our sense of humor, verily; for

to dry up the ocean is going Moses and the children of Israel one better. Moreover, the day of miracles is past.

It was in the early Fall of 1922 that we suddenly discovered that our ships were a part of sacred American soil. International law had long since told us so, but somehow, in the confusion following the passage of Mr. Volstead's vaudeville act, we had forgotten it. Perhaps we were too busy, like the Wyoming ladies, trying to make our citizens good on shore to get around to those sensible enough to leave the country for an ocean voyage. That is the American way.

At any rate, our boats continued, under Mr. Lasker, to be pleasant oases on the desert of the sea; and fortunate indeed were those who lived along the coast and could jump aboard if things became unbearable at home—which they hadn't. Yet it was good to know that there the ships lay in harbor, ready for each and all of us, stocked with pleasant and rare vintages. Again the rich were in luck. If one's pocketbook were fat enough, one could obtain anything one desired. God pity the poor workingman, but life was life, and there were plenty of luxuries which had always been denied the impoverished, but which the wealthy took as a part of the strange scheme of things, and oh, yes, it was awfully unfair, but that was that, and after all what was one to do about it, and it was too bad, and oh, dear, and oh, my, and goodness gracious and a lot

of other stuff which I have overheard but mercifully forgotten.

It took us two and a half years to discover in one minute that Uncle Sam himself had been a bootlegger at sea. A long, long time to have had our own eyes sealed! But when Attorney General Daugherty finally issued his decision that American boats must be dry, all sorts of complications arose. We told foreign governments that their ships, too, must not enter our ports with liquor aboard. All the ocean, within the three-mile limit prescribed by international law, was to cease to be wet. It mattered not that Italian sailors were supplied with red wine as part of their fare; they must throw it overboard before they came into our sanctified precincts. And even if foreign bars were sealed and padlocked and double-padlocked, they would be anathema to us. Whether the liquor brought over on them was intended to be sold here, or merely kept on board for the return voyage, mattered not. We were going to put a stop to rum-running, and now, Mr. Foreigner, what are you going to do about it?

As this is written, England has already protested against such drastic and high-handed action. One of the British ships has been seized, and a test case is to be made of her seizure. We, who held aloof so long from all sorts of entangling alliances; we who preached the doctrine of staying at home and minding our own business, suddenly find ourselves

rushing in where angels fear to tread; and, losing our humor, we may likewise lose our friends.

The powerful Anti-Saloon League is responsible for our foolhardiness. We will ruin American shipping, we will commit maritime harikari; but it is all right, since, having slipped our heads into the noose of the fanatics, what difference does it make how soon or how slowly we strangle to death?

Of course there will be all sorts of confusion, all kinds of delays in the courts—for naturally other nations will make test cases, and it will be many months—perhaps years—before America knows how she stands with Europeans and how Europeans stand with her. It is one thing to manage our own citizens—quite another to guide the conduct of our neighbors.

It is curious how ships and shipping enter into our governmental affairs again—how history repeats itself. Deny it though we will, we got into the World War only after our shipping had been interfered with. We accepted German insults and taunts; but the moment our business interests were at stake, we took up our guns and rushed to save the Allies and make the world safe for democracy. A utilitarian reason for saving our own necks—that is all that it was; and we cannot close our eyes to our spiritual shortcomings.

Now we have the effrontery to interfere with the ships and shipping of foreign countries. Let us see what will happen to us. Remember that there is no

War going on, to fill people with emotion and ecstasy. This is to be a cold, steel-like remedying of troubles. Why should our laws be respected, and those of other nations treated with contempt? Who are we to say that a Latin sailor should not consume a glass of red wine with his rations?

No one can tell what the Supreme Court will do; but it is rather obvious that if America has closed up the saloons on shore she should close them up on sea. If, walking a street in one of our cities, you are under the protection of the Stars and Stripes, you are also under that protection pacing the deck of an American liner. Prohibition must follow the flag.

But some of the American lines are talking of changing the flag under which they have been sailing! Here's a howdy-do, here's a pretty mess. It is unthinkable that a liner should alter her citizenship, just to carry a bit of beer. Yet that is what those staid old ladies are contemplating. To what dreadful deportment are we driven, with Mr. Volstead ruling us!

If our ships have to go dry, we will cut off the large freight business in the West Indies, since much rum is exported from these islands. There can be no transportation of wine to countries like France, Spain and Italy; and, with such loss in revenue, how can our boats ply to and fro? At this writing, hundreds of passengers have cancelled their sailings on American vessels, incensed at the Attorney General's ruling.

The New York *World,* which has been a consistent and fearless enemy of Prohibition, has published many fine editorials on the subject of a dry sea; but none states the case better than this:

"Despite Mr. Lasker's protest that it will ruin the American merchant marine, the opinion of Attorney General Daugherty regarding the sale of liquor on vessels flying the flag of the United States is fairly certain to be upheld by the Courts. There is plenty of law and precedent behind it. But every phase of law and precedent that supports the opinion as it touches American shipping runs counter to the opinion as applied to liners under alien flags.

"Ships chartered in the United States, according to Mr. Daugherty, are subject to the laws of the United States, are, in fact, American territory; but ships chartered in foreign countries are not foreign territory. As soon as they enter American waters all vessels subject themselves to American law, which means, of course, the Volstead Act. How this comes about is not clearly explained. It would naturally be supposed that if an American ship were American territory a British ship would be British territory, and so on. Mr. Daugherty cannot have it both ways. On one point or the other he must change his mind or have it changed for him.

"But even though the enforcement law did not apply to European vessels within the three-mile limit, it is difficult to discover in what way they would violate it by carrying a sealed supply of liquor.

Possession of liquor, as defined by the courts, must include a change of ownership. It is not legal for a manufacturer to ship liquor to a consumer through the United States, but it is legal for an owner of bonded liquor to remove it from one place to another within this country. Alien ships traversing American waters with sealed liquor aboard would be guilty of nothing which American citizens are not allowed on land by judicial decision."

Well, if the bars are closed forever on American ships, it will but add to the present discontent; and again there will be an expression of our national hypocrisy. It does not take much vision to see what will inevitably happen. For just as people drink now on land when they feel so inclined, they will drink upon the ocean; and every steward on every American liner will become a bootlegger, whispering into the ears of passengers something like this:

"Say, I have some fine old Scotch—the real thing—only twelve dollars a bottle. Want some? I'll see that it's brought to your state-room. Oh, no; there's not a particle of danger. Everybody's doing it."

And thus will the comedy go on; thus will the playing of the farce be extended beyond the three-mile limit, and within it, too; and once more we will appear before the world in our cap and bells. No arrests will be made. Things will simply drift along; and by and by, even though the Eighteenth Amendment remains in the Constitution, and the

Volstead Act continues to be a part of our laws, both may be forgotten, just as some of the old statutes of the Puritans, still upon the Massachusetts records, have been allowed to float into a limbo of dreams.

The quandary which a ship finds herself in, sailing from Great Britain to the United States, is laughable. John Bull demands, under his democratic laws, made for freemen, that a certain amount of brandy be a part of every cargo; whilst Uncle Sam, a tyrant now—refuses to permit even a single jug of ale to enter the sacred three-mile limit. Between Scylla and Charibdis the hardy mariner finds himself. On what reefs of the mind a captain plunges as, dazedly trying to obey both laws, he reads first one ruling and then the other. If he follows John, he is out with Sam; if he sticks to Sam, he is the laughing-stock of John.

This might be the sad song of any sea-captain these days:

> Tweedledum and Tweedledee,
> Battledore and Shuttlecock!
> Alack! alas! no more at sea
> Is one allowed his rolling-stock!

But the end is not yet. Of course there will be concessions, many wise shakings of the head, a profound slumber over tangled legal documents, and then—perhaps—an awakening to the fact that after all a holier-than-thou attitude scarcely pays in these times of human frailty. We may realize, with

our native intelligence, that we have made a foolish, a terrible, a hideous mistake. Worse than being hated by other nations is being laughed at by other nations. Can America stand up against the mirth of Europe over our pig-headedness and smug sanctimoniousness? If laughter has killed politicians, can it not kill nations? If ridicule can end a career, can it not end national nonsense?

But somehow, despite heavy mandates and injunctions on the part of the drys, something tells me that the ocean is going to remain indubitably, irremediably, habitually, irritatingly and everlastingly wet.

No one seems to know just where we are destined, as a nation, to take our way. We fuss and fume and fret. In the race of life, we put endless obstructions along the track, and leap the hurdles clumsily, falling now and then, picking ourselves up, falling again and otherwise behaving rather ridiculously. What it all means no one seems to know. Instead of letting well enough alone, we seem obsessed with the idea of interfering incessantly with goodly folk. Suppression is in the air. The skies are clear, but we put clouds in them—clouds that rise from the earth because they are of our making. The dust of the world shuts out the clean prospect ahead of us. We run about in circles, when, so simply, we could march on a straight line. We are very, very stupid; and though we know it now, we are afraid to admit it to ourselves.

Again our hypocrisy. Unable to respect our-

selves and our own institutions, how can we ask other peoples to do so?

In their eagerness to make the ocean round about the United States dry, Prohibition officials even suggested to the Government that the Bahama Islands be purchased from Great Britain. In this heavenly haven, it was pointed out, rum-runners foregathered; perhaps England would help us to make such conditions impossible in the future, and would be willing to let the Islands come to us, in part payment of the old War debt. But our own territory in that direction—Porto Rico and the Virgin Islands—are still far from dry. With the problem of these localities still unsettled, it would seem to be a piece of folly to lay hands on the Bahamas, in the hope of "cleaning them up."

Yet why stop, in our fanatic zeal, at the Bahamas? Why not reach out and get the Canary Islands—indeed, everything everywhere. We who preached aloofness until we were blue in the face, seem suddenly bent upon interfering with all countries, no matter how remote they may be. When men were actually, not potentially, in danger of death and destruction, we would not lift a finger to aid them in Europe; but now, with a mock holiness that ill comports with our attitude of a few years ago, we are for saving a handful of drunkards from a terrible end.

And the pity of it is that we do not see how funny we are!

CHAPTER X

THE MULLAN-GAGE LAW, THE VAN NESS ACT AND THE HOBERT ACT

THE Empire State, not certain that the teeth of the Volstead Act were biting it hard enough decided on April 4, 1921, that it would pass what is known to the man in the street as the Mullan-Gage Law. It begins as follows:

"SEC. 1. The penal law is hereby amended by inserting therein a new article, to be article one hundred and thirteen."

It goes on to say: "The possession of liquors by any person not legally permitted under this article to possess liquor shall be prima facie evidence that such liquor is kept for the purpose of being sold, bartered, exchanged, given away, furnished or otherwise disposed of in violation of the provisions of this article; and the burden of proof shall be upon the possessor in any action concerning the same to prove that such liquor was lawfully acquired, possessed and used."

As every one knows, in ordinary cases a defendant is considered innocent until proved guilty. But here we see a dangerous reversal of that idea in jurisprudence. Anyone carrying a flask would be considered, in the eyes of this law, a bootlegger, a purveyor of illegal goods—in fact, a criminal even though no evidence had been produced to prove him

so. In our anxiety to purify the nation, we have distorted old established laws, turned reasoning topsy-turvy, and once more made ourselves ridiculous—in the Empire State at least.

"Of making many laws there is no end," one might paraphrase Ecclesiastes. In his remarkably interesting book, "Our Changing Constitution," Charles W. Pierson points out the growing dangers which confront us, because of our repeated amendments and addenda. He sounds many a warning, and every American should read his brief but profound volume.

"Whatever view one may hold to-day," he writes, "as to the question of expediency, no thoughtful mind can escape the conclusion that, in a very real and practical sense, the Constitution has changed. In a way change is inevitable to adapt it to the conditions of the new age. There is danger, however, that in the process of change something may be lost; that present-day impatience to obtain desired results by the shortest and most effective method may lead to the sacrifice of a principle of vast importance.

"The men who framed the Constitution were well advised when they sought to preserve the integrity of the states as a barrier against the aggressions and tyranny of the majority acting through a centralized power. The words 'state sovereignty' acquired an odious significance in the days of our civil struggle, but the idea for which they stand is nevertheless a precious one and represents what is probably America's most valuable contribution to the science of government.

"We shall do well not to forget the words of that staunch upholder of national power and authority, Salmon P. Chase.

speaking as Chief Justice of the Supreme Court in a famous case growing out of the Civil War:

"'The preservation of the states, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government. The Constitution in all its provisions, looks to an indestructible Union composed of indestructible states.'"

Yet today what do we find? The States renouncing their sovereignty, abrogating their authority to the central government, time and again diminishing their own strength, losing sight of one of the very things on which the safety of our country depends. Worse than that, some of them have attempted to pass laws which seem totally unnecessary, in the light of the already rigid Volstead Act. Witness the State of New Jersey, for instance, with the iniquitous Van Ness Act, which, fortunately, was deemed unconstitutional.

Early in 1921, Mrs. Frank W. Van Ness, while a member of the New Jersey Assembly from Essex County, of which Newark is the county seat, introduced the act which provided that "whenever a complaint is made before any magistrate that a person has violated one or more of the provisions of this act, it shall be the duty of such magistrate, and every such magistrate is hereby given full power and authority to issue his warrant to arrest any such person so complained against, and, summarily, without a jury and without any pleadings, to try the person

so arrested and brought before him and to determine and adjudge his guilt or innocence."

The Volstead Act plainly states that anyone violating the provisions of that act is guilty of a crime. Mrs. Van Ness's Act was an attempt to have such persons, in the State of New Jersey, guilty of disorderly conduct, which would not require a trial by jury.

The New Jersey Legislature passed the Van Ness Act, and other State prohibition laws, at its session of 1921; but on February 2, 1922, the Court of Errors and Appeals of New Jersey held that a number of the provisions of the Van Ness Act were unconstitutional. The prevailing opinion was written by Chancellor Walker, but there was a difference among the judges as to the constitutionality of some of the different provisions of the act, and other opinions were also written. The Court of Errors and Appeals is the Court of last resort in New Jersey, and by its judgment it reversed the Supreme Court finding which had theretofore held the Van Ness Act to be constitutional.

Mrs. Van Ness was a candidate for reëlection in the fall of 1921, but was not reëlected. Is there no significance in this fact?

As old as Magna Charta is the right of any citizen to a trial by jury, when convicted of a crime; and as old, too, as that sacred document, is the theory that one is innocent until proved guilty. Yet the Volstead Act has paved the way for politicians

without vision to seek to destroy these inalienable rights.

"Where there is no vision, the people perish."

Among other things, in the opinion handed down in 1922, Chancellor Walker wrote:

"The act entitled 'An act concerning intoxicating liquors used or to be used for beverage purposes,' passed March 29, 1921, the short title of which is 'Prohibition Enforcement Act,' commonly called the Van Ness Act, authorizing convictions for violation of its provisions by magistrates without trial by jury, violates Article 1, Sec. 7, of the Constitution of New Jersey, 1844, which provides, inter alia, that the right of trial by jury shall remain inviolate; and also Id. Sec. 9, which provides, inter alia, that no person shall be held to answer for a criminal offense unless upon the presentment or indictment of a grand jury."

And another judge rendered this opinion:

"The Van Ness Act is invalid to the extent that it makes violations of its provisions disorderly acts as distinguished from those which are criminal in their nature because, prior to its enactment, the Congress of the United States had already declared by necessary implication in the federal statute, commonly known as the Volstead Act, that a person who violated any provision of the Eighteenth Amendment to the Federal Constitution, should be guilty of crime."

The constitutional provision in the State of New Jersey has long been known to be as follows:

"The right of trial by jury shall remain inviolate; but the legislature may authorize the trial of civil suits, when

the matter in dispute does not exceed fifty dollars, by a jury of six men."

Chancellor Walker further pointed out that the Constitution of 1776 had contained this provision:

"And . . . the inestimable right of trial by jury shall remain confirmed as part of the law of this colony, without repeal, forever."

But though the Van Ness Act was declared unconstitutional the work of suppression went on. The Hobert Act took its place. The Association Against the Prohibition Amendment (New Jersey branch) protested to Governor Edwards when the Bill was passed. They pointed out that Chancellor Walker, in his opinion in the Court of Errors and Appeals, on page 18 of the decision dated February 2, 1922, had said:

"New Jersey need not have passed any enforcement act and could have left the field wholly to Federal endeavor under the Volstead Act."

They likewise pointed out that there were no advantages whatsoever to the State of New Jersey proceeding from such an act; but the disadvantages were numerous and severe. It put upon the State courts all the work, and upon the citizens of the State all the expense of enforcing the national law. They also showed how tyrannical the Act was in certain sections. Section 16 reads as follows:

"Any officer engaged in the enforcement of this act who shall search any private dwelling, as herein defined, which is occupied as such dwelling, without a warrant directing such search, or who, while so engaged, shall, without a search warrant, maliciously and without reasonable cause search any other building or property, shall be guilty of a misdemeanor and upon conviction thereof shall be punished for a first offense by a fine of not more than one thousand dollars, and for a subsequent offense by a fine of not more than one thousand dollars, or by imprisonment for not more than one year or by both such fine and imprisonment."

It was shown that this section had been taken, word for word, from the Amendment, forced upon the United States Senate by the House in the Willis-Campbell Bill and passed by the Senate on November 18, 1921. The Stanley Amendment originally offered in the Senate for the purpose of serving as an enforcement act to the Fourth and Fifth Amendments to the Constitution was passed unanimously by the Senate after a thorough investigation and after having been accepted by Senator Sterling who had charge of the Bill. The House refused to accept the Amendment and put into the Bill the following section:

"That any officer, agent, or employee of the United States engaged in the enforcement of this act, of the national prohibition act, or any other law of the United States, who shall search any private dwelling as defined in the national prohibition act and occupied as such dwelling, without a warrant directing such a search, or who while so engaged shall without a search warrant maliciously and

without reasonable cause search any other building or property shall be guilty of a misdemeanor," etc., etc.

Senator Ashurst, of Arizona, a dry Senator, and one who said he had never cast a wet vote in his life, refused to sign the conference report on the ground that the language of this section did not protect the people in their rights. He was joined by other dry Senators for the same reason. Senator Reed, of Missouri, than whom there is no greater Constitutional lawyer in the United States, in calling attention to the words, "shall without a search warrant maliciously and without reasonable cause," had this to say:

"What is the plain inference to be drawn from that language? First, you must have a warrant to search the house. Second, if while you are searching the house you proceed without a warrant to search the other building or property you are not guilty of offense unless two things concur: First, you must have been without any reasonable cause to search the other buildings or property, and, second, you must have acted maliciously. Notice the language. It is worth your while. You are legislating for 110,000,000 people and you are putting this authority into the hands of irresponsible men, proceeding without bond, armed with big guns, and sent out among the people."

The Hobert Bill invites Prohibition agents and officers to go anywhere they desire *without* a search warrant, with the absolute assurance that in their unlawful occupation they are immune under the law. "Malice" is the most difficult thing in the world to

prove—with the possible exception of "without reasonable cause."

As a friend of mine, William L. Fish, says, "The Van Ness Act was the *Bill Sykes* of legislation, while the Hobert Act is the *Iago*." Between two such arch villains there is little choice. We are not reforming the country, but deforming it.

If the people are to lose such cherished rights, there is little hope for America. Blind indeed are those who cannot read the writing on the wall. Surely there must come a reaction against such intolerable legislation.

Already one senses a change of feeling; for millions of us cannot be wrong when we claim that disregard of the laws of the land is as serious a problem as the old problem of the corner saloon. If, in correcting one evil, we bring to life greater evils, are we on the right track?

Solemnly up and down that room the officer walked, glancing here and there, after the manner of a soldier in the late war standing guard over military prisoners.

CHAPTER XI

BOOTLEGGING AND GRAFT

PROHIBITION, being a phenomenon, has inevitably bred other phenomena. The most ardent fighters for a dry United States are the Prohibitionists themselves—and the bootleggers. A new industry, which flourishes every day, despite the honest attempts of the Government to suppress it, has arisen. It brings in a fat profit to those who enter it. An incredible army of active workers is marching—or rather driving in motor-cars—through the land, doing a prosperous business. They do not deposit their earnings in our banks; for if they did so, the federal authorities could force them to pay an income tax. Instead, they put them in the proverbial stocking; and after a sufficient number of bank-notes—for it is usually a cash business that is carried on—are available many of the bootleggers, who are mostly foreigners, sail for parts unknown. There they intend to spend the rest of their days in peace and comfort and opulence. Why not?

I am writing of the evils of bootlegging not only as they apply to a great city like New York. In a certain western city of some 250,000 inhabitants—a city in a State which went dry long before the con-

stitutional amendment—a woman told me that all she had to do was to ring up her favorite bootlegger when she was giving a dinner-party, and practically anything she desired would be delivered at her door within fifteen minutes. It is very difficult to get evidence against these diligent business men, and I have encountered only a few people who have conscientious scruples about dealing with them. It is hard to be consistent concerning Volsteadism. If the Act itself plays merry pranks on sea and shore, why should not human beings likewise forget their dignity once in a while?

The bootlegging evil has begotten another evil. Graft is stalking through the land, hand in hand with it. They are boon companions. They are inseparable. Where one is, there you will always find the other. Brothers in sin; Siamese twins. Damon and Pythias, Ruth and Naomi, were not more devoted. But their unholy alliance has none of the virtues of those ardent and ancient friendships.

There is always, in any illicit transaction, a man higher up who must reap his share of the illegal profits. Usually, the American public rebels at the middleman, resents his grasping proclivities; but nowadays, being humanly thirsty, it has no time to quibble; and so long as it gets its modicum of spirits, it has little fault to find with the humanly fallible protector of the bootlegger who must receive some attention. It is willing to pay almost anything for whiskey or gin, and, used to being "done," it good-

naturedly recognizes the authorities along the way who are in a position to open stores of the desired stuff, and see that it is delivered to the crowding bootleggers. It is an endless chain; and to become wealthy overnight has always been the dream of the average American. With Prohibition, he sees an opportunity such as never existed before, and thousands are taking advantage of the situation.

When one considers the amount of revenue which formerly poured into the coffers of the United States treasury because of the tax on alcohol, and what the loss of that money must mean today to the Government, one realizes that in some manner the deficit must be made up. The good old genial public is again the goat, to fall into the vernacular. Prices have risen since the passing of the Eighteenth Amendment. Hotel proprietors, who formerly counted upon a considerable income through their bars, now find themselves forced to charge higher prices for food. Time was when, if one failed to order wine with one's meals, an extra twenty-five cents was asked. It was taken for granted that red or white wine was a part of one's ration, as it were; and those who failed to indulge in the luxury were looked upon as rather curious specimens of humanity. A table d'hôte, with *vin rouge,* was the regular thing; and the wine was included in the price of the dinner. With the going out of all forms of drinks, naturally there had to be a readjustment of menu-cards. There is a tax now almost everywhere

for bread and butter; and a cover charge is made in practically all the metropolitan restaurants. Gradually, one notes, these "extras" are creeping in. One cannot blame the hotel-keepers. Rents and wages have increased since the War; therefore they must ask more for their rooms, as well as for their dining-room service. And where one formerly tipped in moderation, the average waiter scorns anything less than fifteen or twenty per cent of the amount of one's check. The good-natured and long-suffering American people are imposed upon at every turn. And, denied the privilege of consuming liquor openly, they give dinners in their homes, where at least there can be a semblance of harmless gayety. This causes fewer people to go to the smart restaurants in a city like New York; and generally there is no supper crowd at all. Lights are dimmed early; and while I am holding no brief for late hours, I do think that human beings should be permitted to organize their own lives, and decide for themselves whether a supper-dance after the theater or the Opera is harmful. At luncheon time the hotels present another aspect. They still do a thriving business; but, as I have said in a previous chapter, for many and many a year there had been little drinking in the middle of the day.

With fewer people to serve, and fewer meals to serve, hotel men have been driven to ask more for that service which they continue to render. The one bright thought in this painful readjustment is the fact

that the Prohibitionists must help the rest of us to make up the loss of revenue. Their checks, hitherto much less than ours, are now quite the same. But, then, I imagine few of them have ever cared for brilliant lights and smart napery, preferring to dine in the dim sanctity of basements and back rooms at an hour so early that daylight has hardly gone when the "supper bell" rings. The color and joy of the Ritz or the Plaza would scarcely appeal to a fanatic.

But to get back to the bootleggers. There are many degrees of them. Some are honest; others are not. Once in a while a gin bottle will contain nothing but water; and sometimes whiskey will have been diluted, and near-beer sold as the regular thing. Yet with an established trade, and recognized business, conditions are improving. Even as there is honor among thieves, the latest model of bootlegger must play the game squarely; and those of the better class frown upon chicanery, and are disgusted when spurious material is sold. They realize that if inferior liquor is delivered, sales may soon cease altogether. Therefore those who have their best interests at heart—and their name is legion—are cautious and painstaking, and will honestly tell a customer whether he is buying synthetic gin or pre-Volstead stuff.

I do not pretend to know the workings of this nefarious trade; but I do know this: that many Italians and Germans and Frenchmen, among others, are doing a thriving business, and are only too glad to

donate part of their enormous commissions to the local ring who, in return, offer them complete protection. And from talks which I have had with various restaurant proprietors who likewise pay graft regularly, I know that our Government has lost the respect of practically every foreigner; for he sees not only his own people defying the law, but the Americans disobeying it under his nose. He says that so long as there are grapes on vines and apples on trees; so long as fermentation is a natural process, there will be drinking in the world; and he cannot understand why it is against the law to take a sip of red wine with one's spaghetti, or a nip of brandy with one's coffee. It is all incomprehensible to him. His children grow up, seeing him have no reverence for the laws of the country he has adopted.

Of course the Prohibitionist will say that there is a very simple solution of this. These foreigners within our gates should succumb to the inevitable, and obey the law. True. I wish that everyone would obey the law. The way for children not to be punished at school is for them to behave themselves. But it is difficult to force people to do something which it is inherently distasteful for them to do. We invite immigration. We welcome hordes of people to our shores—people who, we know, are accustomed to taking wine and beer with their meals; and then we impose strict measures upon them, suddenly, and expect them to fall into line. We should educate them first. We should let them know what

the Constitution means, what it stands for. We should insist that they learn our language, study the history of the United States, absorb the meaning of America before they attain citizenship. We are loose with them; why should they not be loose with us? They see that we are none too careful when we allow them to cross our threshold; why should they help us tidy up the house after they are safely within it?

The truth is, if we would but face it, that we are thorough in few things. We make a great pretense at civic virtue and national righteousness, and we neglect the fundamentals. To the core of things we seldom wish to go.

The bootlegger, laughing in his sleeve at the boasted and vainglorious spiritual integrity of America, is but the natural result of our own folly. He is as inevitable a part of so-called Prohibition as feathers are a part of birds. As time goes on, his business now conducted in secret may be conducted openly. He may become a recognized figure in society, since we can never suppress him utterly. He is like the bounder in every club, the *nouveau-riche* in every drawing-room. He has come to stay, more's the pity. For an enormous percentage of Americans approve of him, the while they disapprove of him. They know his faults; but they say to themselves that even Congressmen have faults; and they know down deep in their hearts that many a Congressman and many an exalted Judge patronize the bootlegger,

receive social calls from him, and even speak to him on the telephone when they are "out" to others. The bootleggers know all this. Why should they, therefore, venerate a system which is not treated seriously by those in the highest places? We are asking of them something superhuman. And the latest development is that the bootleggers are now paying income taxes, openly stating the source of their earnings, with no fear of getting into trouble.

Meanwhile, the propaganda of the Anti-Saloon League goes on in the newspapers, with this and that report of how a "ring of bootleggers" has been wiped out. We read of sensational raids in the big cities; and there is a cry that federal officers have "broken" the whole system to pieces. Thousands of quarts of Scotch have been confiscated—where it is placed, no one seems to know. Dry agents, in their zeal, even search hearses, and make the undertakers —to say nothing of the bereaved relatives of the deceased—quite angry. The time may come when X-rays may be taken of innocent citizens, to discover whether they have been drinking liquor. Do not smile. Anything is possible when a great country allows itself to be governed by an organization of fanatics who have intimidated Congress and seem bent upon ruining our shipping industry.

But it would appear almost impossible to get honest men to act in the capacity of spies. There is an everlasting "shake-up" of federal officials who are supposed to see that the Volstead Act is en-

forced. Here again the human element enters—that element which the fanatics never recognize. The temptations are too great for the average man. He knows that bootleggers are getting rich. And soon he sees that if he closes his eyes and opens his hand, he too can become a Crœsus. At first, it may be that he hesitates. There is danger of being caught. Well, why not take a chance? he says to himself. Others are doing it. After all, one has to live, and a six-cylinder car *would* be nice. Thus is the voice of conscience quieted; and soon it ceases to whisper at all. That little Italian restaurant in his district—ah, yes! they dispense drinks to the favored few who know the ring the bell must be given. It would be so easy to pretend that he does not know of its existence; and Tony, after all, is not such a bad sort. He'll hand over the kale, without a question, without a murmur.

And so one more federal official goes to the dogs, a man who until yesterday was honest. Knowing that his lucrative career may be brief, he has determined to make hay while the sun shines. And Prohibition has created another crook in the wicked city, though of course it has cured a drunkard in the virtuous country. And the Anti-Saloon people are perfectly satisfied.

Are you?

CHAPTER XII

"DON'T JOKE ABOUT PROHIBITION"

NOT content with forcing us to close our lips to liquor, the Prohibitionists recently sent out a request, which amounted to an order, that no one should open his lips to speak disparagingly or in jest of the sacred Eighteenth Amendment. We were to be denied the blessed privilege of laughing at ourselves, even! I suppose that a few fanatics—oh, merely to study life, bless their hearts!—had gone into a vaudeville theater and had been incensed at the ribaldry of the actors and the shrieks of mirth of the audience over Prohibition wheezes. I have seen an assemblage in convulsions when some light mention was made of Mr. Volstead; and whenever a flask is displayed on the screen of some movie house, there never fails to follow a round of loud applause.

Our comic weeklies and newspaper supplements continue to print Prohibition jokes, much to the delight of their readers. One fearless periodical, *Judge,* has come out openly for light wines and beer —and lost a valued contributor thereby. Another paper, on the contrary, solemnly prints this editorial, headed "There Are Jokes and Jokes":

"A great concern operating vaudeville theaters in most of the large cities has issued an order that all performers must cut out their jokes about Prohibition. This is progress. It should be followed by orders to eliminate Prohibition jokes from our legislatures, courts, police stations, city halls, and all other places where men supposed to be serious and doing serious work are to be found. The outstanding fact about Prohibition seems to be that people forget that it came about through an amendment to the United States Constitution."

Meanwhile, the mother-in-law joke is tolerated, and roared at. It is perfectly all right for a man to make fun of his wife's mother, since there is no formal statute against such jests; but it is unthinkable that he should laugh at himself because he can't get a simple glass of beer. The country he fought for, and was willing to die for, denies him an ancient form of enjoyment. He could make fun openly of negroes, though the Fifteenth Amendment tells him that they are his peers.

The reformer, you see, never counted upon the chaffing which the Volstead Act would have to stand. Ridicule can kill anything, and they know it now. Therefore, they must stop ridicule by mandate. Heaven knows there is little to smile at these days—except Prohibition. Are we to have that luxury taken from us too?

It looks that way. Yet no law can control people's innermost feelings. No request—amounting to

an order—can coerce a nation to do something it is not impelled to do, of itself. One remembers a sad time, not so long ago, when we were begged to remain neutral in thought, word and deed; and notices were printed in theater programs, urging us to make no demonstration when the troops of the Allies crossed the screen; to give no sign when the German army did likewise. Yet there was a burst of applause or a burst of hisses, just the same. The minds of a people cannot be controlled. It is nonsense to try to control them.

Now the fanatics would seek to rob us of the joy of laughter. For of course they despise and detest laughter. Laughter—ridicule—is a sword that can be used against them. We can make this whole business of Prohibition so ludicrous that we can laugh it out of the statutes. Guffaws have disturbed many a solemn meeting; and a single cartoon has broken many a promising politician. One may be able to stand up against a serious argument; but lampooning has destroyed even men of genius.

All was to be well the moment the Eighteenth Amendment became a fact. Everyone was going to sit still and take it very seriously, just as the Prohibitionists had planned. The lid was on, and on it would remain—forever and ever. Puritans have no sense of humor, or they would not be Puritans. They had not dreamed that someone would overturn the can on which the lid was placed, and, through sheer joy of living, shout and sing as of old.

The habits of generations cannot be changed in a moment. We who had been accustomed to decent drinking did not intend to stop at once. We would "taper off," as the topers put it. We had laid aside a little supply of jollity, and the word would go about that So-and-so had a large enough and deep enough cellar to permit him to entertain for at least three or four years.

One of the strange things about Prohibition was the fact that, with its coming, everyone imagined that everyone else would turn miser concerning treating. But here again the human element was forgotten. Everyone seems more anxious than ever to prove that his bootlegger has an exhaustless supply; and a certain pride is taken in handing out innumerable drinks. An aristocracy has arisen that even serves liqueurs after coffee—as though a plethora of *crême de menthe* and yellow and green chartreuse were in the land. The proverbial generosity of the American was never more in evidence. Where one was niggardly, perhaps, in the old days, one can scarcely afford to be so now; and those who accept drinks without returning them are frowned upon as unworthy. They are the outcasts of a new society, the lowest form of hanger-on. Of course they are not nearly so numerous as of old; therefore they are more conspicuous.

And so the laughter goes on; but even when the reformers do not hear it, they writhe, knowing of its existence. Once in a great while some echo reaches

them, no doubt. Things have not "straightened out" as they had anticipated; and so they squirm, and rage, and puff up, and devise ways and means to call a complete halt on all merriment, whether it is directed at them or not.

In all seriousness a woman's temperance society sent a mandate to every editor in the United States not long ago, bidding them cease satirizing Prohibition. It would not do, they contended, to continue to smile at the sacred Eighteenth Amendment. Mr. Volstead, also, was sacrosanct; and it was outrageous the way piety was pooh-poohed, and what did the editors *mean* by such conduct, and why didn't they stop it and obey teacher and be good?

And every government official, when he gets up at a banquet to make a speech, begs his hearers to heed the law—though he knows full well that down the street another banquet may be going on, attended by officials equally high, where the law is never thought of. It is a sad commentary on our government when it is necessary thus to address the people. "We must be one people, one union—and that the American Union," shouted one representative of the government speaking in Chicago before a business men's convention. And he went on to say, "Whenever a newspaper ridicules a law, plays up a policy of contempt for law and its enforcement and in its news and editorial columns fosters law-breaking, that newspaper is doing more to destroy American institutions than a Federal Judge can do to main-

tain them. . . . No man in public life who is possessed of vision and realizes his responsibility to Government would favor regulation of the public press by law, but it is obvious that the power of the press must not be used to foster disrespect for our Government and disobedience to its laws."

Free speech will not be tolerated, if the fanatics have their way. Yet the first article in the Amendments to the Constitution says:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

In order that the Eighteenth Amendment may be upheld, the First may be forgotten.

But to get back for a moment to the ladies of the something-or-other temperance society. A brilliant writer, Mr. Edward S. Martin, answered them delightfully in *Harper's Magazine;* and with the kind permission of the editors of that periodical, I am privileged to make extracts from his article. Mr. Martin never loses his temper, as the ladies certainly did. He remains, as ever, the tactful, urbane, pitying occupant of the editor's easy-chair. He does not even frown. He speaks from a long experience, gently but to the point:

"The enforcement of Prohibition meets with some obstacles and furnishes food for thought to

two large groups in the community—the people who want it enforced and the people who occasionally want something to drink. Just at the moment it seems as if the people who want a drink are somewhat ahead of the other group in the competition; at any rate, the group that wants enforcement seems to think it necessary to make extra effort. To *Harper's Magazine,* as doubtless to hundreds of other periodicals, has come a communication from the Committee for Prohibition Enforcement of a much-respected and powerful organization of women, which announces that the committee has adopted a program, the items of which it communicates. The fifth item is to the effect that all the ministers be urged to preach and teach the necessity for respect for and observance of the law. The sixth item runs, 'That every theatrical manager, movie manager, and editor, whether of a daily, weekly or monthly publication, be requested to see that all jokes ridiculing Prohibition and its enforcement are eliminated from any production, film, or article coming under his jurisdiction, and that the matter be treated with that seriousness that the subject merits; and that this resolution be thrown on the screen and printed in the different papers and magazines throughout the country.'

"The demand for protection from jokes is often made and always implies that there is something that needs to be joked about. There is a sin called 'sacrilege.' If we joke about things that are sacred

to enough people, it gives a kind of offense which, even if the law does not punish it, it is not safe to excite. There is a sin of blasphemy, which we suppose the law will still punish if it is gross enough. It will be agreed that the considerate people do not jest about sacred things, nor even about things which, though not sacred to themselves, are sacred to the people they are talking to. Well, then, is Prohibition one of these sacred things we must not talk about? Are amendments of the Constitution and the Volstead law to rank with the Ten Commandments and the Sermon on the Mount as not being safely subject to derisive comment?

"Something like that seems to be in the minds of the women whose communication we have received, who include item six in their program, but if so, their attitude is wrong. A constitutional amendment is not sacred, much less a Volstead Act. It is the Volstead law that the jokes on Prohibition are aimed at more than the amendment. If we cannot joke about an act of Congress, then indeed things have come to a restricted pass. If a law is bad, one of the ways to beat it is to laugh it out of court. If that is being done about the Volstead law, the ladies who want that law enforced would do well to examine it and see why it is not enforced, rather than try to stop jokers from laughing at it.

"A letter writer to a newspaper says, 'If it is true that a community gets the kind of government it

deserves, it is equally true that a law gets the kind of obedience it deserves.' His assertion may be disputed, but still, if the Volstead law is not being respected, is it certain that it deserves respect? It is a law in the process of being tried out. If it is good we want it enforced. If it is bad we want it amended, but we do not want to be choked off from discussing it or testing it. There is no power in Congress to say what is right or wrong. The most that Congress can do is to say what is lawful or unlawful. The distinction is important. The practical judge of whether a law is right or wrong is the general community to which the law applies. If that community will not back up the enforcement of the law, it will not be enforced. It is yet to be demonstrated how far the Volstead law, as it stands, is enforceable. If its fruits do not please a majority of the people who live under it, it may have to be modified so that it will stand for something that is near enough to be the popular judgment of what is right to win popular support. There is a great deal of good in the present Prohibition movement. It put the saloons out of business. It checked the brewers and distillers in their over-strenuous efforts to sell their products. It accomplished benefits which probably could not have been accomplished except by the kind of clean sweep that the amendment was. But it was necessarily a rough job—an experiment to be tried out in practice. If its rules need modification, they may get it or they may not,

but if not, they may be practically modified in enforcement.

"Who is boss in this country? Is it the President, the Senate, the House, the Supreme Court, the state authorities, the newspapers, the lawyers, the ministers, the doctors, or possibly the women?

"None of them! Public opinion is the boss. In the long run, what public opinion demands it gets. Laws to be of any worth have to have sanction. That is, there must be something to make people who violate them feel that they are doing wrong. The laws of nature have abundant sanction. If you fool with the law of gravitation, you get bumped. There is no trouble about the enforcement of the law of gravitation. Nobody goes around begging you not to ridicule it. It takes care of itself, and if you flout it you pay the consequences. The Ten Commandments have a sanction of long experience. Some of them are obsolete, but the others are respected, and, though they are not directly enforced by the courts, laws based on them are so enforced. Public opinion hereabouts rests very considerably on the Ten Commandments. They have shaped the habits of thought and deportment of many millions of people, including most of those now living in this country.

"The trouble with the present enforcement of Prohibition is that it has not yet got moral sanction enough to make it effective. Public opinion will back up the law in closing the saloons and restricting and regulating the sale of intoxicants, but it does not

follow it, for one thing, in defining a beverage with an alcoholic content of one half of one per cent as intoxicating. When it comes to that, public opinion laughs, because that is contrary to its experience. Furthermore, public opinion shows as yet no particular fervor about achieving a total stoppage of alcoholic supplies from those who want them. No serious stigma attaches to violations of the Volstead law by private buyers. Fines and like embarrassments may result, but not disrepute. A good many fairly decent people seem to buy what they want, and do not conceal it. The people who thought before the law was adopted that it was wicked or inexpedient to drink intoxicants, still think so. The people who thought otherwise continue to think otherwise. Many people drink less than before the law began to operate, but a good many other people drink more, and buy much worse beverages at much higher prices. To some extent Prohibition seems to have made drinking popular by diminishing the individual discouragement of it and putting the responsibility for the maintenance of temperance on a law and the officers who enforce it. That may be only a temporary effect, but if it turns out that the Volstead law, as it is, cannot be enforced at the present time, there may possibly be an effort to tinker it—to put it into such shape that public opinion will stand back of it and give it a sanction. The alternative would be to wait and see what effect time will have on men and habits. There is no one to tell us

that we shall be damned if we disobey the Volstead law, and so long as juries refuse to convict persons who violate it, it stands modified in practice. . . .

"The organizations, political, commercial, religious, that seek to shape public opinion all use propaganda. We all know what that means because we have all had such a surfeit of it. During the War we were flooded with it and everyone learned what it was and how to use it. It is put out by speakers, on the movie screens and in print wherever possible. Organization secured Prohibition, but organization is not public opinion and may for a time override it. Organization works on the run with noise and big headlines and meetings and even with threats. Public opinion slowly takes form in the minds of individuals. There comes in Lincoln's saying about the impossibility of fooling all the people all the time. Propaganda may overwhelm private judgment for a time, but private judgment keeps on working after propaganda ceases. It digests what has been offered to it. The common facts of life continue to appeal to it and impress it. It views what propaganda has accomplished and slowly and deliberately considers whether it is good, and if it concludes that it is not good it ceases to back it and then there has to be something different, something that looks like improvement. . . ."

CHAPTER XIII

HOW CANADA HAS SOLVED THE LIQUOR PROBLEM

Sing a Song of Montreal,
A barrel full of rye;
Four-and-twenty Yankees
Feeling rather dry;
When the barrel was opened
They all began to sing,
"Oh, to hell with Mr. Volstead—
And God save the King!"

THE Dominion of Canada has solved its liquor problem, for the most part. It is interesting to note that in those Provinces which are technically dry, a wretched state of things exists, as in the United States; and those Provinces which have government control are well ordered. For instance, Nova Scotia has absolute Prohibition. I went there in May and June, 1922, and, as in the States, I never lacked for a drink when I desired one. Practically every chemist is a bootlegger.

To show you how badly the system works, let me tell of a personal experience. I found myself one week-end in a little village which shall be nameless. I inquired of the inn-keeper if it would be possible to obtain a bottle of whiskey. "Certainly," he said. "Simply go to the drug-store, tell him you are a

guest of mine, and I think you will have no difficulty in getting a good brand."

I was surprised, to say the least. It chanced to be a Sunday morning. The church bells were ringing, and as I got to the door of the shop, the druggist was just leaving it—he lived above it, I believe—for morning service. I told him my errand; and immediately, without the slightest hesitation, he opened the door, took me in, and sold me what I wished. He hadn't the slightest idea who I was; yet perhaps it was evident that I was an American traveler. No questions were asked, and openly I carried my bottle through the streets back to the inn.

In New Brunswick I obtained ale openly in a hotel; and the waitress told me that almost on every other corner of the city in which I was stopping, a bootlegger could be found; and if I made my wishes known there would be no difficulty in purchasing anything I wanted. As it happened, I wished nothing there; but it was good to know that it could have been bought any time of the day or evening.

But in the Province of Quebec and in British Columbia quite another state of affairs will be found. The Government controls the liquor trade, and guarantees the quality of the alcohol sold. Neat little Government Liquor Stores, as they are called, are in every city and town, and a vendor has charge of each one—a regular Government employee who is "responsible for the carrying-out of the Government Liquor Act and the regulations so far as they

relate to the conduct of the store and the sale of liquor thereat."

Everything is done in a most orderly and systematic way. If one wishes to purchase whiskey, he merely applies to the vendor in his neighborhood. A small fee is charged; and it is a gratification to know that this fee goes directly to one's Government, and not into the pockets of bootleggers. Supplies are delivered in sealed packages, duly inscribed; and again it is a gratification to know that one is in no danger of drinking poison, with the added fear of death or blindness.

There are restrictions—a great many, indeed; but they are wise and for the best interests of the Province. For instance, it is against the law to drink in the Government stores; but one may, of course, in an inn have a supply of liquor in one's room, or drink light wines and beer in the public dining-room. Drunkenness is taboo, and one sees very little of it. The people are prosperous, and everyone is as happy as one can be in this troubled world. Canada had enormous war debts. I was told that British Columbia had paid her quota, and in addition had made many improvements of public highways—all through the revenue derived from the Government's sale of liquor.

In British Columbia, great care is exercised that no spurious permits are received at the stores. The law provides that "no permit shall be delivered to the applicant until he has, in the presence of the

Vendor or official to whom the application is made, written his signature thereon in the manner prescribed, for purposes of his identification as the holder thereof, and the signature has been attested by the Vendor or official under his hand."

Permits are not issued to corporations, associations, societies or partnerships. Therefore the opportunities for fraud are diminished. And on polling days all the stores are closed. In pre-Volstead times in the United States the law distinctly said that our saloons should remain closed on Election Day in many of the big cities; yet was this regulation—a very wise one—ever enforced? That is one reason why we have Prohibition today—we simply would not obey even those moderate and salutary laws enacted for the welfare of the community. The saloon-keeper paid not the slightest heed to them; in fact, he scoffed at them; and that is why he has no sympathy from the rest of us, now that his foul places are gone forever.

One would not be so foolish as to assert that a state of perfection has been reached in the Government-controlled Provinces. Bootlegging goes on—but principally because this country is dry. If the States were also under Government control in the matter of the liquor traffic, there would be no temptation to transport stuff illicitly over the border. I imagine that the Canadians are quite as guilty as the Americans when it comes to these secret transactions; for if it takes two to make a quarrel, it is

equally true that it takes two to consummate a sale of any kind. There would be a cleaner slate if we had the common sense to do as, say, Quebec has done. There are no swinging-door saloons; but there are tidy shops where one is not ashamed to go. No one is drinking on the sly, pretending to be consuming coffee out of a cup which really contains a high-ball. "In vino demi-tasse" is not the motto of Canada, as it is that of the United States.

It is significant to note that in British Columbia, when that Province was completely dry—even without beer—141,057 prescriptions for liquor were issued; yet in the fiscal year which ended March 31, 1922, only 6,568 prescriptions were issued.

And while our own Government continues to ask for mighty appropriations for the enforcement of Prohibition, the reports from the Province of Quebec state that for the fiscal year ending in June, 1922, a profit of $4,000,000 was realized, and that the regulations have proved quite as successful morally as financially.

Can we say that, in the matter of morals, the Volstead Act has worked advantageously? It has undermined the whole country; and under fanaticism, we have shown ourselves to be a total failure. The New York *World* says:

"The Quebec law is a good law because it has city and country solidly behind it and it can be enforced. It provides for local option, it restricts the purchase of spirits, it allows the sale of wine and beer in cafés and it creates no

enforcement problem. It affects every legitimate reform advocated by the professional Prohibitionists of the United States, but quietly, sensibly, profitably and without friction."

If we could but come to the sanity of Canada, in her Government-controlled Provinces!

CHAPTER XIV

CRIME AND DRUNKENNESS

PROMISES were made by the reformers that with the advent of Prohibition the country would witness a great lessening of crime and drunkenness. Our prisons were to be almost emptied. Unemployment would be practically unheard of; and the health of the people would be infinitely better.

Never has the country suffered more from strikes than during that period between 1920 and the present time. Labor is still restless, for all the sanctimonious predictions of the Anti-Saloon League. We see, then, that law and order do not come when we harness a people's will. Would that they did! Life would be simple then. People are bound to burst their bonds and fetters now and then. The spurt of the geyser goes on, no matter how we seek to suppress it. Old Faithful performs every hour in Yellowstone Park; and I suppose that until time is no more, men will go on shouting about their rights, despite such empty reforms as Prohibition; will go on holding grievances, demanding a remedy of wrongs, and generally raising Cain. Obstreperous behavior is not the result of drunkenness—always.

People are humanly fond of cavorting, even without the aid of a stimulant. And so the strikes go merrily on, and workingmen who were placid under beer are found to be thinkers under Volsteadism.

The headlines in our papers continue to be sensational, in these times that were to be so quiet. Murders still occur, strangely enough; and hold-ups of the most brazen kind take place everywhere. Diamond ear-rings are snatched from ladies driving in the Park of an evening, houses are entered by ruffians who tie up the servants and the master and mistress and calmly go through the premises, taking what they wish. It is all very shocking, very terrible; but human nature has a way of remaining what it is. It was thought that only drunkards committed such heinous crimes. We find that men of sobriety are equally culpable. The millennium has not arrived; and our prisons are still densely populated, much as the reformers may deny the disconcerting fact. One is shocked at the continuance of outrageous crimes; and if, after three years of experiment with the abolishment of booze, we still face a wave of disorder and confusion, there seems little hope of that future of roses and sweetness and light so glibly prophesied.

Hard times continue to confront us, though the fat pay-envelope to the wife and children of the workingman was to be a weekly event. An analysis of official figures shows an increase of 44 per cent in the arrests for drunkenness in 1921 over 1920, and

Stuyvesant Fish has shown that the largest industrial life insurance company reports an increase of 50 per cent in deaths due to alcoholism in 1921, the second "dry" year. The statistical Bulletin of the Metropolitan Life Insurance Company, April, 1922, contained these words:

"There have been marked increases in the death rates for heart disease, Bright's disease and apoplexy in recent months among the industrial policyholders of the Metropolitan Life Insurance Company. Small increases in the mortality from these diseases had been noticed early in November of last year, but the change attracted little attention and caused little comment. The possibility that it marked a definite check in the favorable tendency shown for several years for each of these diseases was not seriously considered. By December, however, the death rate had taken a more decided upward turn for each disease. Organic heart disease registered a rate of 124.9 as compared with 118.4 in November; the apoplexy rate rose from 62.9 to 70.6, and that for Bright's disease from 69.1 to 71.9. By January it had become apparent that for two of these diseases, at least, a definite upward tendency was in progress. The heart disease rate increased sharply from the December figure of 124.9 to 137.2, and that for chronic nephritis went up nearly three points over the December figure. The apoplexy rate for this one month fell somewhat. In February the heart disease figure rose even more sharply than for January (to 153.4), the nephritis rate again increased slightly (to 75.8) and that for apoplexy returned to approximately the December level. By March the rate for organic heart disease had reached 168.2 per 100,000, one of the highest figures ever recorded in any one month among Metropolitan industrial policyholders. The March rates for chronic nephritis (87.5) and for apoplexy (75.8)

are both the highest registered for those diseases since March, 1920."

The Association Against the Prohibition Amendment, Inc., has collected statistics to prove that crime has by no means diminished since the passage of the Volstead Act; and with their kind permission I give a tabulated list of twenty cities in the United States, which, under Prohibition, have revealed an increase in arrests for all sorts of crimes. These are the official figures in each city.

At random I have taken some statistics from various parts of the country, to show how drunkenness has not disappeared since the passage of the Eighteenth Amendment. Rather, has it increased. In Baltimore, Maryland, for instance, the arrests for drunkenness during the period between January and April, 1922, were over two-thirds as many as for the entire year of 1921.

April, 1922	354
April, 1921	238
April, 1920	69
January to December, 1921	3,258
January to December, 1920	1,785

In the State of Wyoming, the total number of prisoners in jail on July 1, 1922, was 561. On July 1, 1917, there were but 452.

Judge Cavanagh of Chicago estimated that there were from 7,500 to 8,000 cases of murder and manslaughter in the United States in 1921. But the

CRIME UNDER PROHIBITION IN THIRTY AMERICAN CITIES

	Population	*Arrests All Causes*		*Drunkenness and Disorderly Conduct*	
	1920	*1920*	*1921*	*1920*	*1921*
Philadelphia	1,823,779	73,015	83,136	20,443	27,115
Detroit	995,678	43,309	50,676	5,989	6,349
Boston	748,060	58,817	72,161	22,341	31,794
Baltimore	733,826	41,988	54,602	13,443	20,496
Pittsburgh	588,343	36,572	41,820	14,373	16,990
Buffalo	506,775	24,436	32,377	8,491	9,650
San Francisco	506,676	26,672	30,106	2,794	6,005
Milwaukee	457,147	10,545	15,520	2,400	3,481
Cincinnati	401,247	14,175	21,973	2,062	3,106
Minneapolis	380,582	10,608	17,874	2,982	6.051
Portland, Ore.	258,288	18,445	30,856	3,654	4,379
Denver	256,491	12,947	19,649	1,847	3,163
Louisville	234,891	7,857	9,601	1,092	2,361
St. Paul	234,698	5,638	10,077	1,902	4,319
Oakland, Cal.	216,281	3,706	4,497	1,261	2,191
Akron, Ohio	208,435	12,558	10,104	5,228	3,939
Birmingham	178,806	16,786	21,488	2,886	4,612
Richmond	171,667	12,706	15,532	1,563	1,953
New Haven	162,537	7,934	8,465	3,186	3,184
Dallas	158,976	26,058	35,848	1,219	1,338
Hartford	138,036	8,072	7,395	4,057	3,207
Paterson	135,875	4,058	3,809	1,637	1,509
Springfield, Mass.	129,614	3,757	4,574	625	920
Des Moines	126,468	4,465	4,982	1,530	1,598
Trenton	119,289	5,693	5,577	1,550	1,426
Salt Lake City	118,110	7,728	7,505	883	909
Albany	113,344	3,216	4,168	578	900
Cambridge, Mass.	109,694	3,822	4,664	871	1,423
Spokane	104,437	6,478	7,237	933	1,311
Kansas City, Kas.	101,177	4,774	4,129	45	133
Total	10,417,227	516,835	640,402	131,855	185,808

Total in 30 Cities	*1920*	*1921*	*Increase*
Violation of Prohibition Laws	9,375	18,976	102.0%
Drunken Autoists	1,513	2,743	81.0%
Thefts and Burglary	24,770	26,888	9.0%
Homicide	1,086	2,124	12.7%
Assaults and Battery	21,147	23,977	13.4%
Drug Addictions, etc	1,897	2,745	44.6%
Police Department Costs	$31,193,639	$34,762,196	11.4%

Special Commission on Law Enforcement of the American Bar Association, in its official report made on August 10th, 1922, stated that there were no less than 9,500 "unlawful homicides" in this country in 1921. The average per day was twenty-six. In the previous year there were at least 9,000 such homicides. In the first nine months and a half of 1922 there were 101 "unlawful homicides" in Philadelphia alone, as compared with the same number during all of 1921. In the same city, the arrests for violation of the dry law numbered 32,281, for the period between January and September, 1922. Of these, 25,925 were "drunk and disorderly."

In Providence, Rhode Island, drunkenness has increased 85 per cent since 1919. In Rochester, New York, crimes of violence in 1921 numbered 607, as against 488 in 1917. In the latter year there were 323 arrests for burglary, while in 1921 there were no less than 502. It has been reported that the western part of the State has become the victim of a new crop of young, educated and what are called "polished" crooks.

Sing Sing prison deported no less than sixty prisoners to Auburn in May, 1922, because of overcrowding.

The warden of Sing Sing, to whom I wrote, asking for figures as to the inmates received at his prison, very graciously and with unprecedented promptness sent me the following report, and told me I could make my own deductions:

Fiscal year ending June 30th,					1917.....	1071
"	"	"	"	"	1918.....	1197
"	"	"	"	"	1919.....	1073
"	"	"	"	"	1920.....	1490
"	"	"	"	"	1921.....	1414
"	"	"	"	"	1922.....	1613

Figures do not lie.

Yet the Prohibitionists insist that conditions are better than ever before, and I have seen otherwise intelligent citizens take it for granted that the figures given by a speaker at some uplift meeting were correct. Few of us go to the trouble of verifying statistics. But the fact remains that passionate crimes continue, murders of unprecedented cruelty are committed all the time, and a heaven on earth is, I fear, remote from us.

CHAPTER XV

THE LITERARY DIGEST'S CANVASS

THE cry has gone up from time to time since the passage of the Volstead Act that the country at large wanted—nay, had demanded, Prohibition. *The Literary Digest,* hearing and noting these reiterations, decided to investigate the feeling of the land. They would have a referendum of the people through a straw vote; and they would get, in that way, at the truth.

Many of us were not at all sure of the sentiment in communities like the Far and Middle West. We knew that the South, for reasons best known to itself, had favored large arid territories; but the East had remained insistently wet. Therefore, it was a big surprise, when the *Literary Digest's* returns began to come in, to discover that in many sections a reverse feeling flourished from that which had been anticipated. It must have proved a shock to the Anti-Saloon League, in its smug complacency, to learn that many citizens, like a man I met in Omaha, declared that he was greatly in favor of Prohibition —until we got it.

Indeed, many feel just like that. Conditions are

certainly intolerable wherever I have been. Drunkenness may have disappeared from the sidewalks, but it has taken to the taxicab; and though the corner saloon has gone (I hope forever) the hip-flask has taken its place, on the south-east corner of many an individual.

So much had been said and written of the feeling of the country, that the *Digest* (the editor-in-chief is a Prohibitionist, if I am not mistaken) went right to the heart of the thing, in no uncertain manner. Much discussion had taken place as to the temper of the people, and there seemed no way of arriving at the truth.

Ten million blanks were sent out, to every kind of voter. The Bonus for Soldiers and Sailors was more or less tied up with Prohibition. Therefore it was deemed wise to try to get the popular sentiment on both questions at the same time.

The questionnaire, in the form of a ballot, was as follows:

* ..... *
: :
: Secret Ballot on Prohibition and Soldiers' Bonus :
: No Signature—No Condition—No Obligation :
: Mark and Mail at Once :
* ..... *

PROHIBITION: (Put a cross (x) in the square only opposite the policy you favor)

A. Do you favor the continuance and strict enforcement of the Eighteenth Amendment and Volstead Law? ☐

B. Do you favor a modification of the Volstead Law to permit light wines and beers? ☐

C. Do you favor a repeal of the Prohibition Amendment? ☐

Mark (×) in ONE Square Only

SOLDIERS' BONUS: (Put a cross (x) in the square

	Yes	*No*
Do you favor a Federal Bonus for all American Soldiers and Sailors who wore the Uniform during the World War?	☐	☐

It is important to Mark and Return This Ballot Immediately.

Every precaution was taken to obviate dishonesty; but I suppose as there never was an election without trouble at the polls—it would be expecting too much of human beings to believe otherwise—so in this solicitation there may have been a few duplicate votes to swell the general average, one way or the other. Yet the *Digest* had confidence in the returns; and through their canvass of the various States we have come to see that there are not only "wets" and "drys," but a third enormous party of what we might call "moists." By this term is meant the people who wish a modification of the Volstead Act, permitting the sale of light wines and beer. Indeed, this party predominated in the final returns.

The Anti-Saloon League has scorned the *Digest's* figures; yet one has a feeling that if the showing had been in favor of a strict observance and upholding of the present Prohibition law, a different attitude might have been observed on its part. It is but human, after all, to wish the tide to turn in the direction one has spiritedly advocated. Even the "moists" must have been surprised at their own brilliant showing.

It was in July, 1922, that the first reports were made; and the *Digest* was amazed when the ballots of the first hundred thousand poured in.

Those in favor of a strict enforcement numbered 32,445.

Those in favor of a modification numbered 39,665.

Those in favor of a repeal of the Prohibition Amendment numbered 22,547.

As to the Soldiers' Bonus, the vote was almost even. Yes, 46,609. No, 47,469.

"Dampness seems to predominate," the *Digest* said. "The most startling fact revealed by this first tally is that the early voters are against the continuance and enforcement of the present Prohibition law by the proportion of nearly two to one. On the other hand, the voters show themselves in favor of the Prohibition Amendment, or, in other words, in favor of some sort of a Prohibition law, by the even larger ratio of 72,000 to 22,500."

The editors were exceedingly fair in their ap-

praisement of conditions. They stated that "In Kansas, the votes run 111 for strict enforcement, 34 for modification and 14 for repeal of the Amendment. Thus the Prohibitionists, it is seen, outnumber the combined 'moists' and 'wets' by almost three to one, a situation that is duplicated in no other State. Since this early vote was tabulated, a large number of returns have come in for Kansas and, even though we may be anticipating next week's report of votes, it may be mentioned that this large vote is a striking verification of the conditions indicated by the small vote shown here. Kansas is for Prohibition, by approximately three to one. It is a significant fact, also, that this State has tried a dry régime for a number of years, and knows better than most others how it works."

But here again no thinking man, it seems to me, has a right to find fault with a State which wishes earnestly to go dry. Local option is sensible and reasonable; a certain territory could fence itself in, as it were, guarding itself from a menace, making all the strict laws it desired to protect its people from what it considered a tremendous evil. But it has no right to inflict its statutes upon its friendly neighbors, any more than the United States has a right to restrict drinking on the ocean, forbidding foreign vessels to enter our ports with cargoes of sealed spirits.

It is interesting to note how the various States voted in this preliminary canvass.

DETAILED TABULATION OF THE FIRST RETURNS ON PROHIBITION

NEW ENGLAND STATES	*For Enforcement*	*For Modification*	*For Repeal*
1—MAINE	24	17	17
2—N. H.	16	13	3
3—VT.	16	6	6
4—MASS.	4,242	4,862	2,805
5—R. I.	7	14	17
6—CONN.	34	39	20
TOTAL VOTES	4,339	4,951	2,868
MIDDLE ATLANTIC STATES			
1—N. Y.	6,169	9,315	4,966
2—N. J.	29	45	27
3—PENN.	8,307	9,139	6,573
TOTAL VOTES	14,505	18,499	11,566
EAST NORTH CENTRAL STATES			
1—OHIO	829	716	250
2—IND.	152	73	33
3—ILL.	9,312	12,012	6,621
4—MICH.	125	84	36
5—WISC.	75	69	22
TOTAL VOTES	10,493	12,954	6,962
WEST NORTH CENTRAL STATES			
1—MINN.	89	82	17
2—IOWA	113	88	23
3—MO.	100	67	33
4—N. DAK.	16	17	1
5—S. DAK.	21	9	2
6—NEBR.	72	44	19
7—KANS.	111	34	14
TOTAL VOTES	522	341	109
SOUTH ATLANTIC STATES			
1—DEL.	6	4	3
2—MD.	15	27	36
3—D. C.	14	27	8
4—VA.	28	27	9

	For Enforcement	*For Modification*	*For Repeal*
SOUTH ATLANTIC STATES—Cont'd.			
5—W. VA.	18	20	4
6—N. CAR.	32	14	7
7—S. CAR.	10	11	4
8—GA.	24	27	12
9—FLA.	11	4	8
TOTAL VOTES	158	161	91
EAST SOUTH CENTRAL STATES			
1—KY.	27	25	28
2—TENN.	42	17	10
3—ALA.	23	19	5
4—MISS.	13	11	5
TOTAL VOTES	105	72	48
WEST SOUTH CENTRAL STATES			
1—ARK.	15	12	1
2—LA.	12	13	3
3—OKLA.	43	29	7
4—TEXAS	116	62	21
TOTAL VOTES	186	116	32
MOUNTAIN STATES			
1—MONT.	11	16	8
2—IDAHO	9	13	5
3—WYO.	2	5	—
4—COLO.	31	30	11
5—N. MEX.	5	5	1
6—ARIZ.	8	3	—
7—UTAH	8	16	6
8—NEV.	1	1	1
TOTAL VOTES	75	89	32
PACIFIC STATES			
1—WASH.	830	951	247
2—OREG.	28	22	6
3—CALIF.	1,204	1,509	586
TOTAL VOTES	2,062	2,482	839
GRAND TOTAL	32,445	39,665	22,547

After the first and second polls had been taken by the *Digest,*—that is, after 200,000 votes had been classified,—the editors asked for an expression of opinion from William H. Anderson, State Superintendent of the Anti-Saloon League of New York and President of the Allied Citizens of America. He admitted the honesty, good faith and fairness of the canvass, but deemed it "unwise." And he went on to say:

"There is a clear and fundamental distinction between taking a poll on a question which is yet to be decided and taking a poll on a question which has been decided. In the latter case the issue inevitably presented to many minds is whether the law which represents the decision shall be enforced."

There are millions of citizens who look upon the Eighteenth Amendment as cause for a grievance; and the First Amendment states very clearly "the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Surely it is no breach of the peace to ask for an expression from voters concerning a matter so serious as Prohibition, on which they never voted. How else could a clear comprehension be gained of the wishes of the people, save through the press in a country so vast as ours? Naturally, there would be resentment in the dry camp at any attempt to repeal the Eighteenth Amendment; but I hope there are no

Americans who would honestly favor a supine obedience to a law which is abhorrent to such a number of us. Intolerance is not a worthy sentiment. It is a healthy sign when people disagree. The clash of minds leads to larger prospects of final understanding; and if it is found in the end that Prohibition is ardently wanted by the majority, we shall continue to have Prohibition, with, I trust, a perfect carrying out of the law. The *Digest's* desire to learn the truth is an admirable one. The advocates of Mr. Volstead have nothing to fear from it. If they are right, and people like myself are wrong, then right will prevail. Meanwhile, nothing is gained by cantankerously bidding us behave ourselves, and bow to the inevitable. This is but an added form of Prohibition which only serves to stir up enmities, to create further discords, and muddle matters even more. Your honest opinion and mine are quite as valuable to the country as that of Mr. Volstead and Mr. Anderson.

And so the *Literary Digest* evidently thought. For it continued to publish returns as they came flooding into the editorial office. Innumerable letters accompanied the votes. People from all sections of the country "spoke out in meeting," advocating Government control of the liquor traffic. From Omaha and New Jersey this advice came, and from practically every State of the Union. The people were being heard from.

The second hundred-thousand voted as follows:

For strict enforcement	76,597
For modification	85,151
For repeal	45,646

A poll was taken in many factories where both men and women are employed. In the Edison works in New Jersey, the poll was taken under the supervision of Charles A. Edison, "who saw to it that the ballots were distributed one to each worker. They were marked secretly, and deposited by the individual workers in sealed ballot boxes, later opened by representatives of the *Digest*. The result shows a proportion of slightly more than twenty to one against the continuation and enforcement of the present liquor laws." This is the vote:

For enforcement	93
For modification	976
For repeal	966

A careful poll of the establishment of Parke, Davis & Company, manufacturing chemists, of Detroit, revealed the following results:

For enforcement	218
For modification	1,081
For repeal	211

Combining these two polls, the attitude of the workers in two representative factories would be summarized as follows:

For enforcement	311
For modification	2,059
For repeal	1,177

In connection with factories and labor, one inevitably thinks of Samuel Gompers. The *Digest* asked him for an expression of opinion, wishing to get all sides of all subjects, and he sent this strong statement:

"In addition to the vile and poisonous substitution for whiskey so largely consumed, and in addition to the increased drug habit since Prohibition, Prohibition has made a nation of grouches. It has taken the joy out of the American people, as can be attested by almost every social gathering. The whole scheme is unwarrantable interference with the personal freedom of the people, and increases discontent and resentment in the knowledge that those who have it, have it. I firmly believe that a modification of the Volstead Act so that beer and light wines may be manufactured and sold under proper regulations would solve the whole question rationally and helpfully."

The discontent of the worker is something to be considered—even by fanatics who would rule us by force, and seek to restrain too thoroughly man's natural appetites. One must take into account the wishes of that vast army who do the drudgery of the world; and it does not require an immense amount

of imagination to understand what the years may bring. If there is an apparent stolid indifference now in the realms of labor, the *Digest's* poll would seem to contradict any such belief. That the workingman is beginning to realize that a distinct form of class legislation has taken place there can be no doubt. I think the authorities would never dare to encroach upon a laborer's rights in the matter of home brew. Yet they must be aware that, deprived of his only club, the corner saloon, the workingman who still desires a glass of beer occasionally is methodically producing it. Against the law? To the devil with the law, says the hard-working day laborer, when the rich disobey it every hour of their lives.

Another factory, which employs women, was also canvassed. This was the establishment of the Campbell's Soup Company in New Jersey. Approximately 30 per cent of the workers polled were women; yet the vote is against the present laws by a proportion of 9 to 1. This is how the voting ran:

For enforcement	162
For modification	720
For repeal	750

But the final figures are the most interesting of all. A summary of 922,383 ballots revealed this result, which must have proved disheartening to the Anti-Saloon League:

SUMMARY OF 922,383 BALLOTS ON PROHIBITION

	For Enforcement	*For Modification*	*For Repeal*
Main Poll	306,255–(38.5%)	325,549–(41.1%)	164,453–(20.4%)
Women's Poll	48,485–(44.5%)	39,914–(36.7%)	20,448–(18.8%)
Factory Polls	1,453–(8.4%)	10,871–(62.1%)	4,955–(29.5%)
TOTALS	356,193–(38.6%)	376,334–(40.8%)	189,856–(20.6%)

Is it necessary for anyone to say anything further about the temper of the country? Facts are facts.

To repeat what my friend in Omaha said:

"Prohibition was all right—until we got it!"

CHAPTER XVI

LITERATURE AND PROHIBITION

THE Young-Old Philosopher has recently been traveling over the country as far west as the Coast. He had heard that conditions, so far as Prohibition was concerned, were excellent out there; but he wished to observe for himself.

He found them quite the contrary. In states like Oregon and Washington, which went dry long before national Prohibition became an established fact, the people were obtaining anything they desired. Close to the border, there is plenty of bootlegging, endless daring adventuring in the liquor traffic, many a bold plunge over the line to bring whiskey and gin into United States territory.

And they certainly bring it. Meanwhile, the propaganda of the Puritans goes on—or, rather, the impropaganda; for it is not true that people are behaving themselves. There is just as much discontent and disorder among westerners as among easterners, so the Young-Old Philosopher observed.

But in cities like Omaha, which is about in the center of the country, there is a dryness which is depressing. Passing through a hotel corridor one day

at noon, the Young-Old Philosopher heard male voices, chanting in unison. He stepped to the open door of a private dining-room, and was much amused to see a group of forty or fifty solid business men, all wearing little badges proclaiming their allegiance to some organization or other, standing about the tables, lifting high their glasses of water, and shouting these words:

"With the *feed* on the *ta*-bull,
And a good song *ring*-ing clear!"

There was a desperate attempt at gaiety, a look in the eye of each prospective luncheoner which seemed to say, "We *will* have a good time—in spite of Prohibition!" But my friend turned away at this travesty on mirth and good fellowship. He wondered if Richard Hovey was not turning in his grave at the cruel editing of his deathless "Stein Song," and he counted it a pity that pewter mugs had been superseded by ice-water goblets; and he saw that Gopher Prairie was indeed a dreadful reality. Not that he would have wished to see the law disobeyed. He merely deprecated the tragic fact that this was the pass we had come to; this was the drab social order we had definitely arrived at. He went disconsolately down the hallway, brooding of all those ancient poets who had held it no shame to sing of the vine and the flowing bowl. No one had ever written a song in praise of food. And he thought if Hovey could be edited, soon the Bible itself would hear the

snip-snip of the shears, as certain boisterous passages were cut out; and as for poor old Omar, he wondered how soon it would be before he was paraphrased by the reformers somewhat in this manner:

> Here with a little Bread beneath the Bough,
> A Flask of Milk, a Book of Verse—and Thou
> Beside me singing in the Wilderness—
> Ah! Paradise were Wilderness enow.

And of course quatrains like this would soon be omitted from all editions:

> Why, be this Juice the growth of God, who dare
> Blaspheme the twisted tendril as a Snare?
> A Blessing, we should use it, should we not?
> And if a Curse—why, then, Who set it there?

The story of the Marriage Feast at Cana must make sorry reading for any Prohibitionist; and the Young-Old Philosopher doubts not that it will be torn from the records in years to come. We shall not even be given the pleasure of reading about the jubilations of vanished times—times rich in banquets. Think of imperial Rome without golden goblets! They were as much a part of the feast as the fruit and the lights; and if we are to be deprived of the vicarious joy of dipping into the pagan past, might we not just as well renounce life entirely? Red wine will be as antiquated as the ermine and crowns of kings, my friend believes; yet who can deny the picturesqueness of the scepter and the court

fool? They may not have been important, but they gave a glamour to dreary days. "And some of us may prefer them," says the Young-Old Philosopher, "to the dandruff-covered collars of stupid senators and congressmen."

There is an old song of Abraham Cowley's, written somewhere between 1618 and 1667, which must give pain to any Prohibitionist. Will they strive to Bowdlerize the anthologies, erase from literature so true and human a poem as this, which voices a thought almost as old as the world? It is after Anacreon.

The thirsty earth soaks up the rain,
And drinks, and gapes for drink again;
The plants suck in the earth, and are
With constant drinking, fresh and fair;
The sea itself (which one would think
Should have but little need of drink)
Drinks twice ten thousand rivers up,
So filled that they o'erflow the cup.
The busy sun (and one would guess
By's drunken fiery face no less)
Drinks up the sea, and, when he's done,
The moon and stars drink up the sun:
They drink and dance by their own light;
They drink and revel all the night.
Nothing in nature's sober found,
But an eternal "health" goes round.
Fill up the bowl, then, fill it high—
Fill all the glasses there; for why
Should every creature drink but I?
Why, men of morals, tell me why?

Think of losing from English literature lines like these, from the "Last Poems" of A. E. Housman:

Could man be drunk forever
With liquor, love, or fights,
Lief should I rouse at morning
And lief lie down at nights.

But men at whiles are sober
And think by fits and starts,
And if they think, they fasten
Their hands upon their hearts.

And so modern and exquisite a poet as Richard Le Gallienne has had much to say metrically of the follies of attempting to regulate by law the natural appetites of man. He sounds a warning in this tragic-comic ballade, spurning the busy-body reformers:

They took away your drink from you,
The kind old humanizing glass;
Soon they will take tobacco too,
And next they'll take our demi-tasse.
Don't say, "The bill will never pass,"
Nor this my warning word disdain;
You said it once, you silly ass—
Don't make the same mistake again.

We know them now, the bloodless crew,
We know them all too well, alas!
There's nothing that they wouldn't do
To make the world a Bible class;
Though against bottled beer or Bass
I search the sacred text in vain

To find a whisper—by the Mass!
Don't make the same mistake again.

Beware these legislators blue,
Pouring their moral poison-gas
On all the joys our fathers knew;
The very flowers in the grass
Are safe no more, and, lad and lass,
'Ware the old birch-rod and the cane!
Here comes our modern Hudibras!—
Don't make the same mistake again.

ENVOI

Prince, vanished is the rail of brass,
So mark me well and my refrain—
Tobacco next! you silly ass,
Don't make the same mistake again.

It would be sad indeed to lose such a song as "Drink to Me Only with Thine Eyes!" How much poorer the garden of Poetry would be without such bibulous planters of rhyme as Burns and Poe and Verlaine! I suppose the paid Puritans would have even our poets walk the humdrum way, so that we would have no news of life from taverns and inns. The picturesque vagabond, the rapscallion son of song must be pulled in from the pleasant highways and made to "conform."

Conform to what? A three-room flat with kitchenette and running water, and a clerk's desk downtown, with methodical rides on a heaving Subway train at eight in the morning and again at six in

the evening. Well, there are other modes of living that seem a trifle sweeter to the dreamers of dreams, the makers of beauty. Art is not produced like so many bricks or like so many waffles in a waffle iron. It is shot with wonder; and just as the water-lily emerges in its white perfection from dubious slimy stems, so a great work of loveliness may sometimes rise from the meanest sources. That is what your Pharisee does not—and cannot—understand. He would cast us all into one mess-pot, stew us all in the same juice, and bid us all conform to some stupid "ideal" which he has the effrontery to hold before the artist as the ultimate goodness.

CHAPTER XVII

AMERICA TODAY

MY friend, the Young-Old Philosopher, is worried about America. He sees a drift toward old-time Puritanism—with the hood of hypocrisy used as a general covering. He knows a distinguished judge who recently sentenced a little bootlegger to thirty days in jail, and excoriated him in the court-room with all the power of language at his command. Then he dismissed court for the day, as he had an important social engagement uptown. On the way, he suggested to the Young-Old Philosopher that they drop in at a smart club. He was very weary after his heavy day's work, and needed a bracer. He got it.

On an evening a little later, this same personage—a man greatly respected in his community, whose utterances on civic affairs are often quoted in the papers—attended a dinner at one of the big hotels. Many eminent jurists and publicists were gathered together to do honor to one of their number. A little bar, with a man in a neat white jacket in charge, had been set up in a room not too remote from the dining-room; and thither the Great Men repaired to refresh themselves after the arduous

duty of imposing fines and prison sentences on ruffians who dispensed alcohol through the city to those who, like the Great Men, could pay for it. But—"Judge not, lest ye be jugged."

And the Young-Old Philosopher told me that once he stood in the private office of a well-known lawyer when the telephone bell rang. He could not help hearing the conversation, which ran somewhat like this:

"Yes? That you, Pete? . . . A dozen cases of the same—*you* know. Tonight, if possible. Try to get it there. Same price, of course. . . . Without fail; and I have a friend who wants to see you. Here's the address: 000 Sherman. Call him up. He's all right. Good-bye, Pete."

The Young-Old Philosopher has himself told me that he has no scruples about disobeying the liquor law; yet somehow it gave him no little pain to listen to this monologue, uttered by one whose life is given to forensic pleadings, whose maledictions pour forth in cataracts of eloquence when some shuddering nobody stands at the Bar of Justice. It is as though a priest left the altar to abscond, immediately after a high-minded sermon on the duties of Christians.

In a far western State my friend saw the Governor take many highballs during and after a banquet in a public room. He saw the Mayor of the city do likewise; and he was conscious that a gentleman of the cloth was slowly but surely growing uncon-

scious as the dinner went on its merry way. He had never before seen this happen.

He was told by a fellow traveler, whose word he could not doubt, that all but 25 per cent of the Legislature of another western State went out and got beastly drunk, after they had voted for Prohibition.

He has heard the jibes that foreigners, seeing what he has seen, fling at us every day; and he has had no answer to give them.

He has come upon boys trying to open the lockers in country clubs—not little rowdies, but the sons of influential members—that they might steal some of the old man's whiskey. They have boasted of their attempted and successful thefts.

He has seen flappers disgustingly intoxicated. He has observed them putting their hands up to the hip-pockets of their boy companions, to see if a flask was there. Alas! it was.

As limousines and taxis have flashed by him, he has caught glimpses of youngsters who, five years ago, would not have been allowed to go out without a chaperone, in such close proximity that for a moment he thought it was but one strange enigmatic form in the car.

He has seen college boys in groups of three and four disappear into a small compartment on a train —and emerge ten minutes later with downcast eyes and sheepish grins, flushed with liquor; and he has seen the same boys repeat the proceeding ten or a

dozen times on a journey lasting but a couple of hours.

He has seen a woman, injured in the streets of one of our big cities, lying almost unconscious. A hotel was close by, and a doctor in the crowd suggested that someone rush to get some brandy. The man who volunteered to go came back without any —none was available, nor could the proprietor be induced to send any out, even if he had had it. He was suspicious of a stranger, making such a request —he was suspicious of everybody. Police in civilian clothes—oh, they were all too common these days, that he knew; and no one was going to catch *him,* even though a wounded woman lay prone and groaning at his door.

He has heard the social service worker in a New York hospital say that, while conditions had slightly improved during the first few months of Prohibition, they were now worse than ever. In the old days, a workingman spent, say, $2.50 on grog out of his weekly wages, and was content to let it go at that; now he spends ten and twelve dollars—he'll get his liquor at any cost; and the wives and families of such men are in despair. With the passing of time, the people have learned how to get drinks, and how to make them, and they are becoming more expert every day. But they drink poison—anything they can lay their hands upon—and become all but raving maniacs for a while.

He has seen form letters from bootleggers in New

York, giving price lists, just as though there were no law forbidding such transactions. Deliveries were promised within the city, at rates commensurately low. It was even stated that "prices were going down," and that the best gin could be obtained, as well as other materials of alcoholic content. A printed address was given, and the mails were boldly used for this questionable business.

He has known friends who had been on the water wagon for years to take to home-brewing as a natural course. Their excuse was that they could not afford the prices asked by professional bootleggers; and they were certain that they could not possibly give a dinner party now—of all times—without offering some stimulant to their guests. In the old days they would have ventured to do so. Since Prohibition people expected—and usually received—plenty of wet refreshment. They did not care to be segregated from their acquaintances; they did not relish the idea of having their invitations refused. So they gladly became law-breakers, and swiftly acquired skill in the preparation of all sorts of wines, gin and beer.

He has seen, in a Southern city, the wife of a leading judge serving a punch made of apple juice and peach juice—oh, a very heady punch indeed!—to State officials, who had no qualms about accepting it, though they were aware that the law was being broken. And he saw young men made quite tight on this same punch.

He has observed people entering a restaurant in New York with packages which obviously contained bottles. These, under the eye of a policeman in uniform, were taken from them by the employees of the hotel. One, a bottle of champagne, was poured into a great pitcher—the customers were graciously permitted to watch the process in a private room—and then served openly, again under the officer's eye and nose, in the main dining room. So twisted has become our legal logic, that it seems it is one thing to drink from a bottle and quite another to drink from a pitcher. A nation of sophists, as well as hypocrites.

He has seen motors searched on public highways, without a warrant; and he has known innocent occupants of the car to be told that "they could go on—the police had nothing on them."

He entered a small police station in California with a friend who had lost a valuable cigarette case—a friend of distinction. The officers instantly recognized him, opened a desk, exposing dozens of quarts of whiskey, and offered both the Young-Old Philosopher and his friend a drink. These officers were quite drunk. They laughingly told the complainant that they had just "pinched" a roadhouse, and were going to sell to another roadhouse the stock which they did not consume—and "pinch" the second man in due season, taking the pre-arranged graft which would come out of his profit.

He remembers the case in the State of New York

—no doubt others have forgotten it, as they forget much that they should remember—of an innocent farmer driving his motor through the countryside one day at dusk. He was ordered to stop by an officer who suddenly appeared on the road, and when he refused to do so he was instantly shot. Senator Wadsworth aired this frightful incident in the Senate, and the chief Prohibition enforcement officer of the State announced that it was the duty of automobilists to halt when they were ordered to do so, or they might suffer a like fate.

He has seen in many a woman's club, bottles of liquor smuggled in, cocktails made by the employees and served in private rooms. Then, because it was strictly against the rules to drink openly, like cats who had just stolen the cream, the ladies and their men guests walked guiltily but airily into the dining room, imagining that there were no evidences of their wrong-doing. The neat little leather or silver cases which contained the forbidden alcohol were automatically returned to their owners, who in turn handed them to their waiting chauffeurs—the latter, of course, were omitted from the happy function—and were taken home to be replenished at the next gathering.

He has known an old lady, very ill, who craved, as she had never craved anything, a single glass of champagne; but even her druggist could not get it for her, at any price, on a doctor's prescription. And she was denied the exhilaration of this simple

luxury, in order, so my friend supposes, that some worthless drunkard who might better be under the sod, should be saved.

Indeed, he has known many an invalid who might have gone to his grave a bit happier for some momentary stimulant which stupid reformers saw fit to withhold.

He was told by the proprietor of several supper places in one of our great cities—and he cannot doubt his word, since he has known him for a long, long time—that one of the federal Prohibition officers who live on graft receives not less than five dollars for every case of wine which passes the Customs. Very swiftly this official is growing unbelievably rich; he does not wish, naturally, to see a return to what might now be considered the old, calm days. Not long ago, this grafter decided that it was about time to make a spectacular "raid" and close up, for a while, the cabarets along the route where he acted as supreme czar. For Washington might take his long inaction as neglect of duty. Therefore he set a night when he visited various restaurants in a limousine, warning the proprietors that they must shut down. But he added, in the ear of each, "Don't worry! this is only a bluff —a spectacular gesture. You'll all be free to sell stuff in a little while." He meant that phrase, "a little while," for, of course, his graft ceased during the interval of grayness. But the federal government, getting his report, seemed pleased at his at-

tention to his duties, and all was serene for him. Champagne was purchased soon afterwards in all these cabarets, and the jazz struck up a livelier tune, and everybody was happy.

He has read with astonishment that the student-governing body in several of our colleges has found it necessary to take formal action for the suppression of intoxication among under-graduates. Was this ever done in "the good old days"? Think of it! Your boy, whom the Volstead Act was to protect from the scandal of drunkenness, must have what is comparable to the Mullan-Gage Act and the Hobert Act pressed upon him in his college, so that he may be made to see the dangers that lurk in alcohol. The great and holy Government cannot control him; a minor form of tyranny and suppression must come into existence to aid the already heavy machinery of the law to run smoothly.

He has known of an exalted judge who purchased liquor from a police officer, had it delivered at his door in a patrol wagon; and that wagon was guarded by a man in uniform.

He has known another minion of the law who admitted that, though he had not violated the Volstead Act, for conscientious reasons, had never so much as had a case of bought-and-paid-for whiskey or beer carted to his door, he had somehow "found" a bottle or two in his home, left there by sympathetic friends, he supposed; yet he did not inquire. "Conscience doth make cowards of us all," as *Hamlet*

said; but how one absolves himself is a matter of private concern. Rationalism could go no further than this minion's processes of reasoning. Strange indeed are the ways of powerful public officials, obeying one law to the letter, and letting their ethics slip and slide when it comes to some other law which they do not really wish to keep, and do not really wish to break.

He has heard a dapper young society man in Massachusetts glibly state that the best bootlegger in his town is a federal Prohibition officer, who can "get him anything he wants from beer to whiskey and liqueurs." And the dapper young man thought this was "perfectly all right, and rather good to know in these arid days." Moreover, one was perfectly certain that what one purchased from this scoundrel was the real thing—no chance of wood-alcohol blindness, or anything of that sort.

You will notice that what the Young-Old Philosopher has seen is not confined to any one section of the country. He has traveled considerably to make his observations.

This is the America of today, as the Young-Old Philosopher sees it. He says he is not so worried about the present generation as about the generation that may come after it. Surely the potential mothers and fathers of children a decade hence are not fit to take upon themselves the responsibilities and burdens of parenthood. What kind of offspring will they produce? So long as we are looking ahead,

providing for the welfare of the race to be, let us wisely look far enough ahead so that our eugenics may mean something. It is folly to pretend to be altruistic, to dip into the immediate future, at the expense of the present. We will produce a decadent race if we are not careful.

Do you like this America of today? The Young-Old Philosopher says frankly that he does not.

Neither do I. And neither do you—if you are a good American.

And what about the America of tomorrow?

CHAPTER XVIII

OTHER REFORMS

WHEN books of the quality of "Jurgen" can be suppressed—happily this romance of James Branch Cabell has been restored to the libraries and book-stalls of the land—we are facing a dangerous precedent. "Casanova's Homecoming" was likewise censored. But the Vice Society might be about better business. I could name a dozen volumes which they have stupidly imagined should be withdrawn from circulation, but it would be merely an idle repetition. The principle remains the same.

Publishers and authors have become frightened. If the realm of art is to be invaded by reformers who fail to distinguish between beauty and filth, it is self-evident that there will be precious little art in America in the next hundred years. The pictures that we hang upon our walls may be torn down next, and the passion for dreariness may cause the entire United States to become one sad Sahara of utilitarianism, with no gleam of loveliness. The mania for standardizing us is growing; it is strange that the authorities do not pounce upon a play like "R. U. R.," lest it put false notions into the minds

of the simple people. There is a tremendous lesson in that drama. Crush us too much, make too many automatons, and one day the lifeless, bloodless, unimaginative host may rise in sudden might and defeat the very purpose of their masters.

The easy triumph of Prohibition gives the reformer little to do—save to seek other avenues of sadistic expression. If we are to be dictated to as to which books we shall read, we will find a way to discover smut—and nothing but smut—just as we have found synthetic gin. And if the lifting of an elbow—a necessary gesture when one takes an old-fashioned drink—got on a Puritan's nerves, I cannot think that the smoke curling from your cigarette and mine gives him anything but pain and genuine anguish of mind. Tobacco companies are worried, and some of them have been spending vast sums to offset the crusade against the weed. Meanwhile, the easy-going American says, "Well, of course, they did put Prohibition over on us, but—oh, they would not dare rob us of our cheroots. We simply wouldn't stand for *that*."

But I am afraid that we are as spineless as ever. When meetings are organized to protest against the reformers, they are often ill attended. A dash of rain dampens the ardor of the lackadaisical citizen who prefers his own fireside to speeches that hit hard at this and that false cause. The trouble is that the fanatics have not made things quite hard enough for us. If there were a real lack of liquor;

if complete drouth settled down over the land, we might rise in a great body and speak what we inwardly feel. But most of us are too lazy to fight back. Meanwhile, the organized minority gird on their armor, devising ways and means to torture us further. And in slippered comfort we sip our home brew or our dearly bought bootleg toddies, and decide that the effort required to get together is too great. We will let things drift. There must come a change; and after all, so long as Prohibition hasn't really succeeded, what's the use of worrying?

The reformer knows this characteristic lethargy of the American people, and he smiles, assembles his cohorts, calls us, in the vernacular of the day, "easy marks," and proceeds with his reforming.

The return of Blue Laws is not improbable. A few towns have already adopted them, and in these movies are not tolerated on the Sabbath, newspapers are not allowed to be sold, even the trolley cars are stopped. A man may be arrested for painting his roof on Sunday; and as for a game of baseball on that day—it is unthinkable in many a community. One may not walk—except to church. The Puritan spirit is not dead. It lives in many a hamlet, dreary enough under the best conditions. The American people have come to a point where it is a matter of living or existing.

For my own part, I am perfectly willing for the *Babbitts* of this country to do as they please; all I ask is that they let me alone as I certainly shall let

them alone. I have said elsewhere that I firmly believe in local option. That is because, perhaps, I think that contrast is the greatest thing in art and in life. I have never cared for regions of perpetual sunshine, just as I have never cared for localities where it rains, seemingly, forever. Give me a little of each. The Gopher Prairieite must feel an impulse to see a metropolis now and then; just as we who live in tremendous cities feel the urge every so often to seek the stillness of the woods.

It so happens that a few people—nay, a great many—prefer to hive in cities, because there they find a certain amount of culture. They like the opera, and good plays, well acted—the sparkle which city life gives to them. They like dining out in restaurants, and they happen to care for the jeweled beauty of, say, Fifth Avenue or Michigan Avenue on a winter evening. The monotony of the life of a Kansas farmer does not appeal to them. They can scarcely understand that passion for seclusion which he craves. But they find no fault with his mode of living. They even look with a sort of amused tolerance upon those curious beings who sneer at women who smoke cigarettes. They know perfectly well that there are many virtuous women who smoke cigarettes, and it is difficult to understand why everyone cannot be possessed of the same knowledge. But they do not seek to impose their beliefs upon others. They do no proselytizing. They are not anxious to convert people to a way of think-

ing and reasoning that seems to them simple and natural. They understand that what is one man's meat is another man's poison; but they do resent being told that what they consume as meat should be labeled poison—by someone who has never tasted it.

The Eighteenth Amendment tells us, practically, that it is wrong to drink. You and I know that it is not wrong to drink. But we do know full well, without being told, that it is very wrong to get drunk.

In Kansas, the people are told that it is wrong to smoke; whereas anyone at all knows that it is in no wise wrong to smoke; but it is exceedingly wrong to over-smoke until one's nerves become shattered and one's hands tremble.

The reformer, seeing only the ill effects upon those who overdo anything, and refusing to note the normal lives of those of us who never overdo anything, cannot differentiate. Hence the hullabaloo, the trouble, the mess the world is in today.

Reformers, you see, lack discrimination. One might as well deplore Niagara Falls because a few fools plunge into its roaring torrents; cease to enjoy its beauty because suicides have taken advantage of its power and height to hurl themselves into eternity. One might as well say that no more skyscrapers are to be built, simply because now and then a man leaps from the top of one, and makes a ghastly mess of himself on the pavement below.

Robert Louis Stevenson used to say that the little superfluities of life were what made it lovely—yes, and bearable. Living does not consist in a mere drab drudgery from day to day, proving oneself "efficient," turning out, in orderly fashion, so many mechanical instruments, with no release from humdrum. Life must contain zest and ardor and variety. That zest and ardor and variety we human beings ourselves give or bring to it. There must be a garnishing of the dish of existence once in a while. We cannot have our days served up monotonously on a dull platter, see them flung upon the banquet table without a surrounding decoration of loveliness. Ugliness must be hidden; and sane fun must play its part in the scheme of things.

Now it is obvious that drunkenness is a form of bestial ugliness, and should never be encouraged. Even we who are not professional reformers recognize that. But the right kind of mild drinking—the drinking of wines, which helps digestion by giving the proper spur to the gastric juices—is a salutary habit, and does no one any harm. In France I have never seen anyone intoxicated—except a visiting American; and I fear, with Prohibition, that more than ever will the cafés and streets of Paris be littered with shameful and shameless fellow countrymen of mine. The French learn from childhood how to drink; and a picture in a recent Parisian journal showed a group of three generations of wine-growers chosen at hazard from among many others. I

never looked upon sturdier representatives of what some of our forlorn know-nothings would doubtless call a "decadent" people.

Alcoholism is practically unknown among the Latin races. To go over the border into a sodden state of imbecility is well-nigh unthinkable to them. France got rid of absinthe when she realized the danger of that fiery liquid. She did not have to close up and seal and nail down every café in every city and hamlet just because a handful of ribald artists thought it smart to sit all afternoon and dream dreams of pink elephants. And, the instant absinthe became unlawful, the French obeyed the edict, accepted the truth that a menace had been removed, and went on consuming an occasional aperitif and light wines—never cocktails and highballs.

But the American people, through their reformers, always have to go to extremes. We could not see the wisdom of cutting out or controlling hard drinking. We had to slam every door of every saloon; and, not content with that, we had to "mop up" the entire country—or ridiculously try to do so—until there should be no drop of beer, even, on anybody's premises. Then, the moment we had done that, we forthwith craved a little liquor—because we couldn't get it. Humanly enough, we were sorry that we had been so rash. True, we had rid ourselves of one of the most abhorrent evidences of our so-called civilization—the saloon with the swinging-door; but in doing so we had destroyed, or attempted

to destroy, the harmless pleasure of men and women who had never entered a saloon. We punished everybody, in order to punish a few.

This was not the right process. The folly of our reformers is working incalculable harm to the entire country. And the end is not yet.

CHAPTER XIX

IS EUROPE GOING DRY?

IF William E., otherwise known as "Pussyfoot," Johnson has his way, Europe, too, will know the great drouth. It is something to have lost one's eye in a cause, and still to retain one's nerve and enthusiasm.

There is no doubt that the liquor interests in Great Britain have become frightened, just as the tobacco interests have become alarmed here; and there are rumors of large sums being spent to contravert the propaganda of the temperance advocates in England. Lady Astor has come out strong for Prohibition.

The London "pub" is a notoriously shocking place. In the meanest sections of the city, I have witnessed scenes which made one realize that Dickens did not exaggerate when he drew a character like *Bill Sykes*. I have seen thinly clad, anemic children waiting on the steps of a public house for not only their fathers, but their mothers, to emerge. And when they finally did so, they were so drunk that they could scarcely toddle to their wretched homes. The British could find a way to shut up these disreputable resorts without interfering with the liberty of that

portion of the population which knows how to drink in moderation.

During the war, and long after it, the hours were rigidly regulated with respect to bars. One could not obtain a drink until noon; then the bars were tightly closed again at 3:30 P.M., and not reopened until 6 o'clock, closing again at 9. There was little disorder, less drunkenness than ever before in the history of the country; and, with true British loyalty, everyone obeyed the law. No one even thought of disobeying it. That is a way they have over there. I don't suppose one could have tempted an innkeeper to sell one glass of ale, though he offered him a thousand pounds. I remember the shock of a barmaid in a tiny town in the south of England when I, a visitor, not knowing the regulations, asked for a beaker of beer. "Why, we're closed, sir, until suppertime," she informed me; and turned away, not expecting—and not getting—any argument.

Had we respected our laws we would not have had Prohibition today.

In Sweden, in the summer of 1922, a referendum was taken on the all-important question of Prohibition; and the wets won. The returns were as follows:

Against	930,655
For	901,053

As in America, certain localities were decidedly in favor of complete Prohibition; but in the large

cities one found the desire for what might be termed "dampness." The female vote was preponderately anti-Prohibition.

A sensible system has been evolved in Sweden. They regulate the liquor traffic under what is known as the Bratt system. Only one organization in the country is permitted to dispense alcoholic beverages. This is known as the Wine and Spirits Central, and, as in the Province of Quebec, tickets are issued to citizens, and it is almost impossible to acquire more than one's allotted quota. There is a widespread desire for a continued restriction of alcohol, but naturally quiet forces are at work all the time to bring about complete Prohibition. Certain reformers are attempting, by means of local option, gradually to make the whole of Sweden as dry as a desert; but Dr. Bratt is equally firm for the present system, which he contends—and figures would seem to confirm his contention—that it is better for the people than anything which could be devised. He has pointed out that in 1913, before liquor restriction, drunkenness was amazingly common. In 1921, drunkenness decreased 27 per cent. Arrests for drunkenness have gone down 49 per cent under his system. There is little doubt that government control in Sweden, as elsewhere, has worked remarkably well.

Russia went dry. Now the Soviet government has decided that Prohibition is a complete failure, resulting in the secret manufacture, as in the United

States, of much vile hootch. There will be a return to good vodka, and the proceeds coming from the sale of it will be used to educate the people. Doesn't this sound sensible?

It is unthinkable that Europe will ever be a Sahara; yet a few years ago it was likewise unthinkable that our own country would come to the arid state it now pretends to know. Anything is possible, and most things are probable in these days of delirium and stress. But a wineless France or a beerless Germany does seem rather grotesque. I have been told that many French wine merchants, certain that America's going dry is but a phase that will pass, are keeping vast stores of champagne in readiness to ship to us as soon as our laws are rescinded. They simply cannot understand our Eighteenth Amendment; yet perhaps they will have written into their own statutes some equally drastic article in the not very distant future.

That is how the Prohibitionists feel, at any rate. "Pussyfoot" Johnson at this writing is working hard in Australia to bring about this consummation. France knows already the Ligue Nationale Contre L'Alcoolisme, with offices in Paris; Switzerland has the Ligue Suise des Femmes Abstinentes; and both countries are being well peppered with depressing posters, showing the evil effects of booze. Such works of art take the place of old songs like "Father, Dear Father, Come Home with Me Now," and plays like "Ten Nights in a Barroom." They

have their definite function, they will prove a power among the lower and middle classes, scorned though they may be by the manufacturers and dispensers of liquor.

But as yet the economic questions involved tease and torment the thrifty Latin. He is wise enough to see that his country will suffer in another way if wine and other drinks are totally abolished; and, as always, he looks to America for some solution of his problem.

The question therefore arises, Are the drys in the United States strong enough financially to aid Europe in her campaign against liquor? That the movement has started there in deadly earnest cannot be denied by anyone who has his eye on the situation. But it will require capital to keep it going, and just now all the European countries are notoriously poor. Is the cause of temperance deep-rooted enough to grow and flourish, despite the handicap of lack of funds? There may be multi-millionaires in the United States who will finance campaigns abroad, just as it has been rumored repeatedly with what regularity certain rich advocates of Prohibition have contributed to the American cause. In this event, the European movement would gain a tremendous impetus; and what the result will be cannot, of course, be foretold.

The thing happened to us. It is ridiculous to prophesy that it cannot happen to Europe. The pendulum having swung all the way for us would

seem to indicate that it may swing all, or part of the way, for Britishers and Latins alike.

It will be interesting to watch and wait. Then we shall learn whether benevolent autocracies are better than autocratic democracies; whether crowns and ermine are more to be desired than top-hats and frock-coats.

Europe dry? Do not smile. This is an age of unexpected events, a period of transition, the like of which has not been known before.

But would Europeans obey laws that infringed upon their personal liberty? There were those who held that there would never be rebellion and riots in Germany, since the Germans were too docile a people to rise up against their government. Yet we know what the Germans did, and where the Kaiser is today.

The spectacle of America's going bone dry is not a heartening one. Ambassadors from other lands have seen our contempt for the law; and it is doubtful if any of them would recommend to their countries a counterfeiting of our methods and manners. We have come to little else than disruption and heart-breaking failure in this matter of Prohibition. Imitation of our ways would amount almost to madness.

CHAPTER XX

WHAT ARE WE GOING TO DO ABOUT IT?

ONE finds it hard to believe that a law is just and right and proper which so many splendid minds consider otherwise. There have been numerous societies formed to combat the Volstead Act, and in their long lists of members one may read the names of honorable citizens who feel impelled to express their views. Hundreds of influential newspapers stand solidly against the Eighteenth Amendment. The fight has not been taken up in one section of the country only. Mass meetings have been held in far separated localities, and protests have been voiced everywhere.

In the last election—that in November, 1922—the voice of the people was heard in several States. Prohibition was an issue, and the victory was almost overwhelmingly for the wets. Wisconsin, for instance, elected seven candidates who had declared themselves for a modification of the Volstead Act. Senator Reed, of Missouri, an avowed foe of Prohibition, and Governor Edwards, of New Jersey, an even more ardent "wet," won over their opponents, having made their views definitely known. Edwards now goes to the Senate.

The Prohibitionists fail to realize that Prohibition, for them, is in itself a debauch, a kind of wild orgy, a sadistic spree. To strap us all to the water-wagon, snap the whip and keep us there for life seems to be their idea of a good time.

The citizens of Massachusetts defeated a bill for additional State machinery to make the Volstead Act more effective; and in Illinois there proved to be a feeling of three-to-one in favor of light wines and beer. The rural districts of Ohio caused the Prohibitionists to gain a victory in that State; but there is little doubt that a change is sweeping through the country. In New York State the Democratic candidate for Governor ran on a light-wine-and-beer platform, against a Republican candidate who had signed the wretched Mullan-Gage Act. The former won by a vast majority. The people were well aware that the federal laws would not be changed simply because the Empire State wished a return to moderate drinking; but thousands of Republicans voted for the avowedly "wet" candidate as a matter of principle. They felt that at least a splendid gesture had been made, and that those who looked on from other parts of the country, sensing the will of the people of New York, might come to realize that hereafter the candidate for office who announces his stand on the topic which is forever being discussed has the better chance of victory. The time for equivocation has gone by. The people want to know how politicians feel about Prohibition; and the defeat of Mr. Volstead himself for re-election was a significant circumstance.

The Anti-Prohibitionists now know that they will have to organize and fight—and fight hard. It requires no tremendous amount of vision to see that,

if both the big parties at present in power refuse to consider a change in the interpretation of the Volstead Act, a third party will arise, with Prohibition as the foremost issue before the people.

President Harding has said that whether the country is to remain wet or dry will be a political issue for years to come. Statesmen and politicians alike are beginning to see and admit a change in the feeling of the people on the all-important subject of Prohibition. It is nonsense to say that a matter which is discussed everywhere at all times is a dead issue. Wherever men—and women—congregate; around every dinner-table; in every club; at every evening party, the topic invariably comes up. Is no significance to be attached to this circumstance? And not long ago the English and French were complaining about American visitors, since they found it rather boresome to listen, day in and day out, to nothing but their talk on the engrossing subject. We eat, sleep and (I was going to say drink) Prohibition.

We have made a ghastly mistake. The unforeseen evils that have come in the wake of Prohibition far outweigh the good. We have never had anything but Poor Man's Prohibition; and if it is true that those who feel the pinch of poverty have derived benefit from the closing of the saloon—as indeed they have—it is equally true that the moderately well-to-do have had their expenses increased. Used to drinking all their lives, they were not to be

whipped into obeying a law with which they had no sympathy. They intended, humanly enough, to continue to get their grog—at any price. And they have done so, even though they afterward had a rendezvous with debt.

The poor do not get their liquor, simply because they cannot afford it. I have seen clerks buying beer at seventy-five cents a bottle, which must have made quite a hole in their pay-envelopes. The honest laboring man could scarcely afford that extravagance; and so he goes beerless to bed, not because he wishes to, but because he has to. And you and I, whenever we desire liquid refreshment, know where we can obtain it. If an investigation were made of the savings of the great middle class during the past three years, I doubt if a good showing would be discovered. And is it not of some importance that this great group, who are the mainstay of the Republic, should be laying aside something for the future?

The Prohibitionists will say that they have no sympathy with anyone who willfully breaks the law. But you cannot argue with people who count it no sin to disregard a statute. With clear consciences a vast body of people take not the slightest heed of the Eighteenth Amendment. They are simply bent upon getting what they wish, despite the Volstead Act, and nothing will convince them that they are not right. A law is of absolutely no value unless it meets with response from those whom it seeks to

improve. After a long trial, anyone but a blind person must see that our Prohibition laws are violently opposed by millions of otherwise good citizens. The situation, instead of becoming better, as the Anti-Saloon League has all along predicted, has become steadily and obviously worse. There are danger signals confronting us. But there is a way out of our mess. That way lies through compromise.

The Prohibitionists compromised, as of course they are well aware, when they did not make it against the law to drink in private homes. As I have said, they did not dare go quite that far. Had they done so, serious consequences would have followed. They likewise compromised when they gave us one-half of one per cent of alcohol in our beer. Why even that? To make it a little more distasteful, perhaps.

The fact is that the American people are tired of Constitutional Amendments. I have heard sound-thinking men say that when our own private constitutions need an amendment, we can be depended upon to add one. We are not fools—in spite of the reformers. We still believe that there is something in the old judgment of the survival of the fittest. The worthy emerge; the unworthy remain where they belong, or sink to the depths.

It is all very well to say that those who become blind through the drinking of wood alcohol deserve their wretched fate; that if one takes such chances

he deserves to lose his eyesight, if not his life. For myself, I cannot look at the matter quite so coldly. I have the deepest sympathy for those who, in good faith, drink something which turns out to be something else. They have simply humanly slipped; and but for this one lapse from grace they may be most estimable citizens. I think it is far more terrible that a decent manufacturer should go blind because an unreasonable and unenforceable law is on our books than that a million worthless imbeciles should lie in the gutter, drunk. I have known only a few "reformed" drunkards who ever amounted to a continental in after years; they were hardly worth saving. It is not very pleasant to think of an able citizen stricken at the height of his career; and his loss to the community is much more important than the so-called salvation of a dozen roustabouts.

During the Christmas holidays of 1921, in and around New York City alone, there were twenty-six persons made blind, or killed outright, through wood-alcohol poisoning. And during another Christmas season wood-alcohol caused fifty-nine deaths in Massachusetts alone. Somehow I do not like to contemplate such catastrophes. But the professional reformers may be made of sterner stuff than I.

Let us have done with the folly of something so radically false as Prohibition. In the old days, when a man got drunk, he broke the social code; now, he breaks not only that, but the penal code as well,

thereby committing two offenses against society. But it is curious how little he cares about the second offense. With an easy conscience he deliberately goes about it—in fact, rather rejoices that he has proved himself such a devil.

Drink, as no one will deny, is an inherently evil thing—a terrible force. But so is electricity a terrible force. Yet, rightly used, both are the reverse of evil.

But just as the Prohibitionists will not recognize the good to be found in alcohol, they refuse to admit the evils resulting from the present drastic laws. They fail to realize that Prohibition, for them, is in itself a debauch, a kind of wild orgy, a sadistic spree. To strap us all to the water-wagon, snap the whip and keep us there for life, seems to be their idea of a good time.

But it is hardly ours. We have begun to think that this strange and perverted conception of a Bacchanalian orgy has lasted quite long enough. And when the tide turns, the Prohibitionists may know something of the horrors of a hangover, and wonder if they are on the verge of a nervous breakdown. "The morning after" some approaching election may not be a pleasant one for them.

But why not compromise before the inevitable day arrives? Rid of the saloon, the Prohibition triumph is complete enough. Local option will continue; and if the little places elect to go dry, of course

they may do so; but as for the great cities, especially the metropolis, looking at the skull of its oldtime happiness one can but say, with *Hamlet,* "Alas! poor New Yorick!"

Senator Frelinghuysen of New Jersey said not long ago that Prohibition was one of the most serious problems with which the American people have to deal. "In the country districts the people are in favor of upholding the Volstead law," he made it clear. "The church people also are against any modification of the dry law. But when it comes to big industrial centers and to the working classes, to say nothing about the foreign-born population, they are all clamoring for a change in the law to permit the sale of light wines and beer."

If we would enact laws tomorrow giving the various States the right to control the liquor traffic within themselves, corruption would cease, and a sense of peace and happiness would descend upon the country. The constant agitations of this hour cannot go on. There is a nervous tension in the air; and so long as the Volstead Act remains, there will be disturbances comparable to the rumblings of earthquakes.

Those of us who love America yearn for a return to truth and sanity. The present conditions are intolerable. Each political party is striving to evade this big issue. Each claims that neither the Democrats nor the Republicans gave the people Prohibition; yet the people are looking to one or the other

party to take a stand on the question. The last elections proved that.

Not forever can there be a process of evasion. A third political party will come out boldly and strong with a wet plank, and as soon as the politicians sense the will of the people there will be an immediate change. But how long will it take them to sense that will?

Recently, a number of doctors brought suit to test the constitutionality of the Volstead Act as it affects the limitation on liquor which they may prescribe. Not all physicians oppose Prohibition—indeed, many have stated that whiskey is not essential in the practice of medicine; others hold a divergent view. But no one can deny that things have come to a strange pass when Congress, and not our doctors, treats patients ill with pneumonia and other diseases. Surely an issue as clouded as this should be cleared up.

Light wines and beer will return—there is little doubt of that; but many people hold that we should adopt the Swedish and Canadian methods of Government Control. We have seen that, with the federal authorities managing the liquor traffic, a decent business is done, bootlegging is practically stopped, and revenue pours into the governmental coffers. Contentment takes the place of discontent, and those who drink pay the price—which they are more than willing to do. It is so obvious that this is the right method to pursue that it seems strange there should

be any argument, that there should be any line-up of opposition.

Yet the Prohibitionists, in the light of their failure in the United States, continue to make prophecies of a "bone dry" world in the years to be. With amazing clairvoyance a member of the World's Women's Christian Temperance Union has predicted that in 1924 Uruguay will go dry, and likewise Argentine; Austria and Denmark in 1925; Chili in 1927; Great Britain in 1928; Germany in 1929; France in 1933; Japan in 1936; Italy in 1938; Spain and China in 1939; and Cuba in 1940.

Foreigners have frequently been heard to say that they cannot understand why Americans have not protested with a louder voice against the legislation which concerns Prohibition. They forget—or they do not realize—that the United States is a vast melting-pot, and that there are, alas! too few Americans left to make much of an impression. The links that draw together the individual nations of European countries are lacking in our own land. We have absorbed every race on earth; and these aliens do not know how to band together. They are not really part of us, and they are naturally confused at our methods of government. Many of them are strangers in a strange land, and perhaps they do not feel justified in protesting, even though they are citizens now, saying to themselves that if the Americans tolerate such rigid reforms, who are they to utter words of rebellion?

Is it not self-evident that Prohibition has miserably failed when the President finds it necessary to call a solemn conclave of Governors to see what can be done, after three years, to force the people to obey the law in the various States? The Federal authorities, by that gesture, admit their inability to cope with the situation, which has now become intolerable. Scandal after scandal is being unearthed in sanctimonious Washington, the seat of the Government, and the home of Prohibition. It is being revealed that many Congressmen and Senators preach one thing and practise another. Is it not high time that their dishonesty is shown up? They should be made as ridiculous as possible. They should be made to see that they are the worst Americans in existence, pretending to be virtuous, invoking the law for their constituents, and bootlegging in secret. For at least the rest of the people who conscientiously break the law, are not on record as approving it.

No one is socrosanct on this flaming issue. Government buildings are said to contain plenty of liquid refreshment for the parched throats of these eloquent advocates of a "dry" country. So long and loudly have they proclaimed their insincere doctrine that at the end of a forensic day they doubtless require a long, cool drink. Let them be seen in all their inglorious hypocrisy. Let the whole land laugh at them; for it is only through laughter that they can be reached and hurt. A law that is winked at by

those who framed it is not worth the cost required to set it up in type.

But of course nothing will be done. No names will be named. The same hypocrisy will be practised here. When someone higher up is to be uncovered, the loudly proclaimed "investigation" will come to a sudden end. There are too many criminals in exalted places. We are the laughing-stock of the world as it is; but if the whole truth were known! . . .

Economically, the people will have to have it driven home to them that Prohibition is a mistake. We are forever talking about the tariff; yet the most that our tariff can bring in is about $350,000,000 a year gross. The year 1914 was the banner year in the United States in producing beer. There were 66,000,000 barrels sold. If we had not had Prohibition thrust upon us, the normal growth would have been a production of about 100,000,000 barrels. The Government always collected revenue at the source—there was no bookkeeping, merely a stamping, a labeling of each barrel, and that was all there was to it. Think of the tax upon this one product alone which we are losing!

In 1918 Canada imposed a tax of 15c on a gallon of beer. In 1922 it was 42½c a gallon. There are thirty gallons in a barrel, which means $13.60 a barrel now, or more than two and a half times as much as before. Multiply 100,000,000 barrels by $13.60, and you arrive at $1,360,000,000 revenue

collected at the source, with no obstructions. This is four times as much as our tariff bill would give to the country. Moreover, if beer were restored, innumerable collateral businesses would be given new life. The bottling industry, corking, glassware—all these would be resuscitated, everyone would be happy, and personal taxes would be immeasurably lessened. As things now are, we are burdened with surtaxes, etc., which impoverish all kinds of industries and make for intense ill-feeling.

Crying out for no change in our laws, it is the Prohibitionists themselves who have altered our statutes. Can they not be changed again?

It may be that the Eighteenth Amendment will never be annulled. There are those, however, who are hopeful even of that. But Congress is privileged to define what constitutes an intoxicating beverage; and the Volstead Act is not static. The people will elect men to represent them at Washington who will liberally interpret the Eighteenth Amendment. Therein lies the remedy for much of our discontent.

Prohibition rose, like a great wave; it is falling back now. The tide comes in, but it goes out again. And one can begin to hear the surge of a mighty people. They will speak at the polls, in every election; for Prohibition, until it is modified, will never be taken out of national politics.

A sane compromise would clear up the situation almost overnight. And when the people speak, the Government must heed their voice.